NT>

11.20 hrs.

Title: Discussion on the Prevention of Terrorism Bill, 2002, moved by Shri L.K. Advani. (Bill Passed.)

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Mr. Deputy-Speaker, Sir, with your permission, I beg to move**:

> "That the Bill to make provisions for the prevention of, and for dealing with, terrorist activities and for matters connected therewith, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

...(*Interruptions*)

SHRI G.M. BANATWALLA (PONNANI): I am on a point of order.

उपाध्यक्ष महोदय : मैंने कहा न कि पाइंट ऑफ ऑर्डर पर आपको बोलने का मौका दे दूंगा। I will hear the point of order. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Many points of order are there. After the Motion has been moved, I will hear all the points of order. I will also give my ruling. ...(*Interruptions*)

SHRI L.K. ADVANI: Sir, for Members of the Thirteenth Lok Sabha and for Members of the Rajya Sabha present here, this is a very special occasion. As you yourself, in your opening remarks, said, it is very rare that a joint sitting of this kind has been convened. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Raj Babbar, you are a senior Member....(*Interruptions*)

MR. DEPUTY-SPEAKER: Kunwar Akhilesh Singh, order please.â€¦ (*Interruptions*)

SHRI L.K. ADVANI: As all Members are aware, for me, it is always more convenient and comfortable than to speak in Hindi. But on this occasion, in order that I am able to address all of you directly rather than through interpretation, I resorted to English. ...(*Interruptions*)

Well, I am entitled in this House to speak either in Hindi or in English. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Vaiko, he is speaking in English. ...(*Interruptions*) अगर आप चाहेंगे तो मैं दोनों भााओं में बोल सकता हूं, मुझे कोई दिक्कत नहीं है। मैं हिन्दी में भी बोल सकूंगा, लेकिन मैं माननीय सदस्यों से अनुरोध करूंगा कि हिन्दी और अंग्रेजी का जो सवाल है, उसको हमने वर्षों पहले निश्चित कर लिया है और उसमें बाधा न पहुंचायें। कोई हिन्दी में बोले या अंग्रेजी में बोले, उसका समादर होना चाहिए।â€¦(व्यवधान)

MR. DEPUTY-SPEAKER: Order, please....(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Basavaraj, please resume your seat.

श्री लाल कृण आडवाणी : मैंने चूंकि अंग्रेजी में शुरू किया है, इसलिए मैं अंग्रेजी में बोलूंगा। â€¦(व्यवधान)

MR. DEPUTY-SPEAKER: Shri Mulayam Singh, order please.â€¦ (*Interruptions*)

श्री मुलायम सिंह यादव (सम्भल) : आप हिन्दी में बोलें, विधि मंत्री जी अंग्रेजी में बोल लेंगे।

श्री लाल कृण आडवाणी : मुलायम सिंह जी कहते हैं कि मैं हिन्दी में बोलूं और विधि मंत्री जी अंग्रेजी में बोलें तो मुझे कोई आपत्ति नहीं है। â€¦(व्यवधान)

उपाध्यक्ष महोदय : आप बार-बार क्यों खड़े हो जाते हैं, कृपया बैठ जाएं।â€¦(व्यवधान)

विधि, न्याय और कंपनी कार्य मंत्री (श्री अरुण जेटली) : मैं हिन्दी में बोल लूंगा, आप अंग्रेजी में बोल लें।

श्री लाल कृण आडवाणी : मुलायम सिंह जी, यह तय हो गया कि विधि मंत्री जी हिन्दी में बोलेंगे और मैं अंग्रेजी में बोलूंगा।â€¦(व्यवधान) मैं आपसे प्रार्थना करता हूं कि यह एक महत्वपूर्ण चर्चा है, मैं हिन्दी में उत्तर दूंगा, इस समय अंग्रेजी में मैंने शुरू किया है, मुझे उसमें बोलने दें।

Mr. Deputy-Speaker Sir, it is really a rare occasion. Perhaps the only Member in this House, who has participated in all these three Joint Sittings is our hon. Prime Minister, Shri Vajpayee. Like me, there may be many others who might have participated in the 1978 joint session, in which I was also there, but as I said Shri Vajpayee is unique in this House in so far as the joint sittings are concerned.

Most democracies of the world are bicameral, at least, major democracies like the UK, the US, France, Canada, Germany, etc., so as India also. Our Constitution makers, when they framed the Constitution, they made the Indian Parliament a bicameral legislature. Having made it a bicameral legislature and having provided that a legislation that has to be passed by the Parliament has to be passed by both the Houses. They thought of this situation, where the two Houses disagree, where there are differences between the two Houses, either in totality in respect of those Bills or in respect of some amendments, they made a special provision of article 108 to deal with such situation.

I may tell you that all Constitutions of the world have analogous provisions. There are practices in other countries. In fact, in the UK, for instance, there are two Houses, but in the House of Commons, directly elected and the House of Lords, if there is a difference between the two, the only thing that can happen is that the House of Lords communicates to the House of Commons that, """"we do not agree with this or we would like an amendment of this in this fashion"""". Then whatever the House of Commons does that becomes law. In some other countries, as for example, in the US, the Senate is more important than the House of Representatives. Maybe because Senate also is directly elected unlike the House of Lords.

Here the Constitution makers provided that if there is a difference between the two Houses, there can be a Joint Sitting. It depends on the President. The present enabling provision is article 108 where the President has been empowered to convene a Joint Sitting of this kind. It is not a joint session. The Session is continuing, that is the Budget Session, but this is a special Joint Sitting and we are certainly fortunate that we are participating in this session...(*Interruptions*)

SHRI ANIL BASU (ARAMBAGH): Sir, they have lost the mandate of the people...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Basu, please take your seat.

SHRI L.K. ADVANI: Sir, as you recounted 1961, as you recounted 1978, it was on disagreement on some amendment to the Dowry Bill or in 1978, there was an Ordinance, which was adopted by the Lok Sabha, the Banking Service Commission Repeal Ordinance, and it was disapproved by the Rajya Sabha. Something similar has happened this time that was an Ordinance relating to the Prevention of Terrorism provision and that was passed by the Lok Sabha and it has been rejected by the Rajya Sabha.

A similar occasion has been arisen. Here, the Constitution-makers thought that a Joint Session in which naturally that directly elected House would have larger numbers and in that House and if it is decided it would be deemed as having been passed by both the Houses. These were the words that are used.

Now, let me briefly mention at this stage how this POTO has come into being. Terrorism has not come to India just now. It has been with us for quite some time. In fact, in these last few months whenever I have interacted with people from the United States, they have admitted that before the 11th of September, they were not able to fully appreciate the kind of tribulations India has been going through for over a decade, in fact nearly two decades but after the 11th of September they could fully understand. The representatives of the U.K. mentioned to me that they too have experienced terrorism of a different kind over a period of time. The United States have experienced it only now. And they often showed greater understanding and appreciation of this problem as we are facing. They were the first to ban the terrorist organisations which have been active here. Though they have not been active in the U.K., they banned those organisations. And it is after they took the steps, the United States also thought it proper to do the same.

The Government of India has been convinced for the last four years that we have been here and I am sure even the earlier Governments held that terrorism and more particularly, State-sponsored cross border terrorism is a kind of war. It is not just a law and order problem. This is the first factor which has been responsible for Government thinking in terms of an extraordinary law like POTO.

The Constitution-makers themselves conceived that while fundamental rights are sacrosanct and if there is a violation of fundamental rights, every citizen would have the right to knock at the doors of the judiciary and seek protection of their fundamental rights. But they made provisions which provide that in a situation of war, those fundamental rights can be suspended. This only shows that the Constitution-makers were fully conscious and even while being very particular about protecting fundamental rights, they felt that in certain situations the security of the nation is a matter which should be deemed first, which should be given higher priority. So, first of all, the question that I would like to pose to all of you and which we have posed to the nation is: "Is it just in Jammu and Kashmir an aggravated law and order situation that we are facing or is it really when we say it is a proxy war, do we really believe that it is a proxy war?" If it were only terrorist organisations, perhaps, the ordinary law may be sufficient. But when you have terrorist organisations being trained, financed by a State and it becomes State-sponsored terrorism and all of them are enabled to infiltrate into our country, it becomes a challenge of a qualitatively different nature.

And this is the reason why for the last four years, we have been going round the world. Our Foreign Minister, our

Prime Minister and, on occasions, I have gone and tried to plead with the whole world that you must realize that now war will be raged by other means. I remember when I visited Washington lately, everyone had asked me: "Is there going to be a war between India and Pakistan? Your armies are deployed. Their armies are deployed and the situation seems very tenuous." My reply to their question was this. I said, "Please remember what was your reaction on the 11th of September?" On the 11th of September, four planes were hijacked. Two of them crashed into the World Trade Center. One of them crashed over the Pentagon. The fourth one was not able to reach White House. It crashed in between on the way. But that very evening, their President said that a war had been unleashed on the United States. A war has been unleashed by the terrorists on the United States. They were very serious, very grave because of this one day's incident. Five thousand or six thousand innocent persons died on that day. But that one single day made them feel that a war has been unleashed on the United States.

You just imagine. You asked me a question: "Is there going to be a war between India and Pakistan?" I would like to answer it saying that we have been facing a terrorist war for nearly two decades now. It is a 'proxy war'. We call it so. Some people say it is a low intensity war. That fact is that we have not lost so many security men and so many innocent citizens in the four wars that preceded as we have lost in this proxy war. I do not want to give you all the statistics but broadly speaking, even in those wars the number of persons who died was about 3000 or 4000. In this proxy war, we have lost 61,000 people. Most of them are innocent citizens, men, women and children who have nothing to do with any politics of any kind and yet they have been killed. Therefore, I said: "We are already facing a war."

On the 13th of December when this war came to India's Parliament House, our Prime Minister said that let this be a challenge in which we take up the challenge and prove that this is going to be a decisive chapter in our war against terrorism.

Sir, I hold that when the Government, in spite of the fact that the Rajya Sabha did not agree with us, felt that it is necessary that a Joint Session be called for this, it is because we feel that we cannot score a decisive victory against the terrorism unless special laws of this kind are enacted. It is, therefore, that I have come to the House.

I feel satisfied also that while we have been mobilizing world opinion, our Foreign Minister has tabled a draft of Comprehensive Convention on Terrorism in the United Nations. But immediately after the 11th September incident, suddenly a sea change came about in the thinking of the whole world, including America about this particular matter. And on the 28th of September, that very month, the Security Council passed Resolution No.1373, which is a Resolution binding on all Members of the Security Council, in which the Security Council told all its Members recognizing the need for States to complement international co-operation by taking additional measures to prevent and suppress in their territories through all lawful means the financing and preparation of any act of terrorism. The United Nations Security Council decides also that all States shall deny safe haven to those who finance, plan, support or commit terrorist act or provide safe haven.

This is a matter, which we are pursuing with our neighbour on whom we have served a notice that there are 20 terrorists who have committed acts of terrorism in our country and to whom they have given safe haven. They have provided extra facilities of all kinds. These days, they have been saying that − they have not said to us but I have heard it from various quarters − if they were to hand over these 20 terrorists to India, it would be a security risk for them, meaning thereby that they would be able to share with us matters that would reveal to us how this proxy war has been going on for the past two decades.

This Security Council Resolution also says:

> "That all states shall ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice ..."

I emphasise, 'brought to justice'.

I will deal with how POTO is different from TADA. In the case of TADA, as everyone knows, the conviction rate was so abysmally low that they felt that there was an extraordinary law that has been brought and yet people were not punished because of that. So, they have to be brought to justice.

The Resolution further says:

> "â€¦ and ensure that in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts."

I am not reading the whole Resolution. I have read certain important parts, which have prompted us that a law like POTO was imperative. It is our duty to the international community where we have been canvassing that laws should be framed. They would be right in telling us: "You have been telling us to do all this. We have done it but what has happened to you?" Therefore, it is that it becomes our duty to pass the Prevention of Terrorism Act.

I would like to add that this law has not been brought in a hurry. Our thinking about it started immediately after we came to power. In every meeting that we held with States and with securitymen, they would tell us that in 1985 the TADA was enacted, the TADA was an extraordinary law, it was extended from time to time and in 1995 it was allowed to lapse. They would tell us that the decision to allow it to lapse was principally because of the complaint that the TADA had been misused.

In the meanwhile, some private individuals and some organisations questioned the constitutional validity of TADA and the matter went to court. I would like to say that there were three principal objections against TADA − first, that it was unconstitutional; secondly that it was abused; and thirdly that there were no convictions under TADA. POTO deals with all these issues.

The court itself settled the first issue when it said that TADA was not unconstitutional. In Kartar Singh vs. the Government of Punjab, the court went into it elaborately because the complaint was that it was being abused. The court laid down six safeguards and said that if those safeguards were there, there would be a minimum possibility of an act like TADA being abused.

I feel happy that after the Law commission first suggested a draft Bill in its 173rd Report - this was in the year 2,000 - numerous discussions have gone on in various fora. If I were to read out the various forums at which POTO was discussed, there are so many. I remember, in 2000 itself, when the Draft Bill from Law Commission had just come, our Home Ministry's Consultative Committee discussed it. It discussed it twice later also. We sent the draft to various States and the State Governments gave their opinion. A Chief Ministers' Conference was held where this was also discussed. The Prime Minister convened a special meeting of the party leaders where again this was discussed. Apart from that, for a period of nearly two years from 2,000 till 2001, these discussions went on. The result of these discussions was that we were able to profit from the experience of the use of TADA. We were able to remove all the shortcomings in TADA. When we sent this proposal to the States, there were States like Maharashtra which told us that they have been able to secure a high rate of conviction ever since they have adopted the Maharashtra Control of Organised Crime Act (MACOCA), which is a law against organised crime. While earlier in TADA the percentage of conviction used to be very very low, in the case of MACOCA, after this law had been enacted, the percentage has been over 76. Shri Shivraj Patil said the other day very rightly that this 76 per cent may be a high percentage because the number of cases till now have been low. But it is also true that one single provision which has been incorporated in MACOCA that intercepts or intercepted communication would be deemed admissible evidence, has changed the whole perspective. After all, when someone in Dubai or when someone in Islamabad phones someone here and asks him to bump off so and so, that this particular leader should be bumped off, you are not going to have witnesses who are going to come forth to give evidence for that. It is the intercept which is going to be crucial and vital in booking that particular person. Attack on Parliament took place. How were we able to trace their collaborators here in Delhi or in Kashmir? It was through these intercepts. Let us not forget that terrorists act in a manner as to terrorise even potential witnesses. I was told that in the case of General Vaidya who was killed by terrorists, even close relations and family members were reluctant to come and give evidence that they saw so and so killing him. Now, in this situation, if a provision like intercepted communications being admissible evidence is incorporated, is it not something necessary? It is necessary and, therefore, it has been incorporated. I am told that before .bringing this Ordinance, we first compared it and its provisions with all the similar laws enacted in various democracies like the United States, like the United Kingdom, like France, like Germany, and we found that we have provided greater safeguards for the citizens than they have.

Let us not forget what the Supreme Court has said in its judgement in the Kartar Singh case. It made a very pertinent observation. The Court observed:

> "While the liberty of a citizen must be zealously safeguarded by the court, nonetheless the court, while dispensing justice in cases like the ones under the TADA Act should keep in mind not only the liberty of the accused but also the interest of the victims and their near and dear ones and above all the collective interest of the community and the safety of the nation so that the public may not lose faith in the system of judicial administration and indulge in private retribution."

These are very pertinent observations made by the Supreme Court, and the discussion that went on in various fora, that has made us think in terms of having this law passed if necessary even in a Joint Sitting. I would be very happy if the political parties, all of them, thought about this objectively. It is the message that we would be giving to the

whole world as to how on this particular issue the country is united. Otherwise it has to be by a majority vote as provided in the Constitution.

All that I can say is that when we invited the Chief Ministers here to discuss the POTO, there were Chief Ministers belonging to various Parties who told us, told me that : "We are in favour; but my Party has decided differently." ...(*Interruptions*)

SHRI L.K. ADVANI: I know that. Without mentioning names ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Order please.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, how can he say it here? Who are the Chief Ministers? ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Dasmunsi, when you get the opportunity you can say it. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: When you participate, you can refute it if you want. But it is not like this. Please do not disturb the hon. Minister.

SHRI PRIYA RANJAN DASMUNSI : Sir, how can he say what was discussed there? ...(*Interruptions*)

SHRI E. AHAMED (MANJERI): Sir, what is it? How can he say what happened in that meeting? ...(*Interruptions*)

SHRI L.K. ADVANI: I can understand your reaction. ...(*Interruptions*) Sir, I can understand their anger. But all that I can say is that without revealing names, I can swear that what I say is the truth. ...(*Interruptions*) I can swear that what I have said is the truth. I do not want to reveal the names. You know it all. Everyone knows it. ...(*Interruptions*)

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : उपाध्यक्ष महोदय, यह बिल्कुल गलत है।â€¦ (व्यवधान) कोई हाउस को मिसलीड नहीं कर सकता।â€¦ (व्यवधान) यह गलत रेफरेन्स दे रहे हैं।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : मि.रघुवंश, जब आप पार्टीसिपेट करें तब आप रिप्लाई दीजिए, उनके भााण के बीच में मत बोलिये।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Shri Ramdas Athawale, please hear the hon. Minister. If there is anything objectionable, I am here to look into it. Why are you worried? ...(*Interruptions*)

SHRI L.K. ADVANI: Sir, they may be surprised to know that if there is one person (*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Suresh, please do not disturb. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: You cannot interrupt the House like this. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Do not interrupt him. ...(*Interruptions*)

डॉ. रघुवंश प्रसाद सिंह : ये हाउस को मिसलीड कर रहे हैं। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: When you get the floor, you can speak. You cannot speak like this. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Dasmunsi, please tell your Members that when they get the floor, they can refute it, if they want, but they should not do like this. ...(*Interruptions*)

SHRI PRANAB MUKHERJEE (WEST BENGAL): The hon. Minister has said that a few of the Chief Ministers are in favour of it, but their parties do not favour it. ...(*Interruptions*) He is giving an impression that some of the Chief Ministers are convinced that there is a need of POTO but their parties are not for it. ...(*Interruptions*) It is unfair. ...(*Interruptions*) He should either reveal the names or ...(*Interruptions*)

MR. DEPUTY-SPEAKER: I am on my legs....(*Interruptions*)

MR. DEPUTY-SPEAKER: If you are raising a point of order, the Minister has to yield. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, no Chief Minister is here. ...(*Interruptions*) They are not here to contradict. ...(*Interruptions*)

SHRI L.K. ADVANI: Sir, I have already said that I am willing to swear on oath that what I have said is correct. ...(*Interruptions*)

SHRI S. JAIPAL REDDY (MIRYALGUDA): Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: You are on a point of order.

SHRI L.K. ADVANI: I may add one more thing to your disillusionment. After all, you may have all heard of the case of Mohammad Afroz in Mumbai, a person who claimed or who in the course of his confession ...(*Interruptions*)

श्री मोहन रावले (मुम्बई दक्षिण मध्य) : महाराट्र में कांग्रेस की सरकार है जिसने वहां पोटो लागू किया है। इनको यहां विरोध करने का क्या हक है?â€¦ (व्यवधान)

SHRI S. JAIPAL REDDY : Sir, I am on a point of order. ...(*Interruptions*)

SHRI L.K. ADVANI: Sir, you have to decide. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Yes, under what provision are you raising your point of order?

...(*Interruptions*)

डॉ. रघुवंश प्रसाद सिंह : पहले गृह मंत्री जी को बैठाकर जयपाल रेड्डी जी का पॉइंट ऑफ ऑर्डर सुना जाए। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI S. JAIPAL REDDY : Sir, I am grateful to you and the Minister for permitting me to raise my point of order. My point of order is this. No private conversation can be quoted even if it is true, even if the conversation relates to Members in the House. ...(*Interruptions*)

12.00 hrs.

SHRI L.K. ADVANI: I at least know that a few of the State Governments, when they were asked for their opinion, they themselves expressed in favour of it. There were very few who opposed POTO. Most of them either favoured it or wanted certain improvements. Therefore, by and large, I hold that there has been a consensus in the country on the issue of POTO. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Mr. Deputy-Speaker, Sir, this is again another statement which is not true. There is no consensus on POTO. ...(*Interruptions*)

SHRI L.K. ADVANI: You are free to say what you want, but this is my opinion.

MR. DEPUTY-SPEAKER: When you participate in the debate, you can refute what the hon. Minister has said.

...(*Interruptions*)

श्री सुरेश पचौरी (मध्य प्रदेश) : राज्य सभा में यह सिद्ध हो चुका है कि इस पर कोई कनसेन्सस नहीं है। â€¦ (व्यवधान)

श्री चन्द्रशेखर (बलिया, उ.प्र.) : उपाध्यक्ष महोदय, मैं आपके द्वारा गृह मंत्री जी से एक निवेदन करना चाहूँगा। टैक्निकल बातों में मत जाइए, लेकिन मान्यता यह है कि कोई भी मुख्य मंत्री किसी प्रधान मंत्री या गृह मंत्री से जो बातें करता है, उन बातों का सार्वजनिक रूप से, और वह भी संसद के अंदर मेन्शन नहीं होना चाहिए। आपने यह गलत काम किया है। इन शब्दों को आपको वापस लेना चाहिए। â€¦ (व्यवधान)

SHRI SANTOSH BAGRODIA (RAJASTHAN): Sir, it should not go on record. ...(*Interruptions*)

THE MINISTER OF RURAL DEVELOPMENT (SHRI M. VENKAIAH NAIDU): Sir, he has not taken any names, and this is not objectionable. The law never said that. ...(*Interruptions*)

डॉ. रघुवंश प्रसाद सिंह : गृह मंत्री जी को सदन से क्षमा मांगनी चाहिए। â€¦ (व्यवधान)

श्री लाल कृण आडवाणी : उपाध्यक्ष महोदय, चन्द्रशेखर जी मेरे सम्माननीय हैं। मैं उनका बहुत आदर करता हूँ और अगर मैं किसी मुख्य मंत्री का नाम लेकर प्राइवेट

बात कहता तो मैं ज़रूर वापस ले लेता।

â€¦ (व्यवधान)

लेकिन वहां से लोग मांग कर रहे थे कि मैं उनका नाम लूं जिन्होंने आपसे कहा। मैं नाम नहीं लूंगा। इसका कारण है कि मेरे ऊपर भी दायित्व है कि मैं किसी से हुई व्यक्तिगत बातचीत का सदन में उल्लेख न करूं। â€¦ (व्यवधान) लेकिन मैंने कहा है कि मैं इस बात का जिक्र करना चाहूंगा कि जब प्रिवेंशन आफ टैररिज्म बिल पर राज्यों की सलाह ली गई थी तो आंध्र प्रदेश, अरुणाचल प्रदेश, दादरा नगर हवेली, दमन दीव, दिल्ली, हरियाणा, हिमाचल प्रदेश, कर्नाटक, लक्षद्वीप, नागालैंड, सिक्किम, इन्होंने पूरी तरह समर्थन किया और गोवा, राजस्थान, असम, मिजोरम, चंडीगढ़, मध्य प्रदेश, उत्तर प्रदेश, महाराट्र, उड़ीसा और पंजाब ने समर्थन तो किया, लेकिन कुछ संशोधन सुझाए और जो राज्य खिलाफ थे वे पश्चिम बंगाल, जम्मू-कश्मीर, केरल, मेघालय और तमिलनाडु थे। इन्होंने इसका विरोध किया अर्थात् इसमें से भी मैं यही निर्का निकालता हूं कि अधिकांश प्रदेश सरकारें समर्थन करती थीं और कुछ संशोधन चाहती थीं। उसी के आधार पर मैंने कहा। लेकिन पॉलिटिकल पार्टीज में कंसेंसस नहीं थी। मैं इस बात का जिक्र इसलिए कर रहा हूं क्योंकि अगर कंसेंसस होता, तो राज्य सभा में भी बिल पास हो जाता और इस ज्वाइंट मीटिंग (सैशन) की जरूरत नहीं पड़ती। पॉलीटिकल पार्टीज में कंसेंसस नहीं है, यह मैं मानूंगा।â€¦ (व्यवधान)

SHRI DIPANKAR MUKHERJEE (WEST BENGAL): Sir, he is misleading the House...(*Interruptions*)

SHRI L.K.ADVANI: I am not yielding now...(*Interruptions*)

SHRI DIPANKAR MUKHERJEE : Sir, he is misleading the Houseâ€¦ (*Interruptions*)

श्री लाल कृण आडवाणी : उपाध्यक्ष जी, पोटो में वे कमियां नहीं हैं जो टाडा में थीं। इसलिए इसका दुरुपयोग नहीं होगा। â€¦ (व्यवधान)

Mr. Deputy-Speaker, Sir, I strongly commend POTO to this House for enactment and I would be very grateful if political parties which have been opposed to it till now have a second view of their approach and decide to support it.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill to make provisions for the prevention of, and for dealing with, terrorist activities and for matters connected therewith, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

Shri Paranjpe, what is going on there?

...(*Interruptions*)

SHRI G.M. BANATWALLA : Mr. Deputy-Speaker, Sir, I rise on a point of order under Rule 376, read with article 108, clause (1) of the Constitution.

The mechanism of a Joint Sitting is a very serious mechanism because it can result in bulldozing the view and the decision of one House or the other, particularly the Rajya Sabha, which is against the spirit of bicameral legislature the system that we have in India. Under the system of bicameral legislature, the views of both the Houses have to be seriously considered and not to be bulldozed. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Kirit Somaiya, I have given him the floor to raise a point of order.

SHRI G.M. BANATWALLA : Mr. Deputy-Speaker, Sir, in the system of bicameral legislature we have to be very careful that the view of any one House is not bulldozed. One has, therefore, to be extremely careful in accordance with the spirit of the bicameral legislature.

Mr. Deputy-Speaker, I am to draw your attention to article 108, clause (1) of the Constitution. Specially, the first point that comes up is the threat that has been given to the Parliament by no less a person than the Chief Minister of a State who says: "If the Parliament continues, the riots in Gujarat will continue." Sir, he wants to infer that when the Parliament is adjourned, at the same time the riots will be controlled over there. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Venkaiah Naidu, I will look into it and give my ruling. Do not put any stress now, please. Whatever may be the point of order, I will have to give my ruling.

SHRI G.M. BANATWALLA : Mr. Deputy-Speaker, under article 108, clause (1), the occasion for a Joint Sitting ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Kirti Azad, what is it you are mentioning? You have to behave yourself in this House.

SHRI G.M. BANATWALLA : Sir, the occasion for a Joint Sitting arises under three circumstances mentioned at clauses (a), (b) and (c) in that particular article. Those three occasions are − (1) When the Bill is rejected by one of the Houses; (2) when the Houses have finally disagreed on the amendment; and (3) when more than six months have elapsed from the date of the reception of the Bill by the other House without the Bill being passed by the other House.

Now, let us see what happened in Rajya Sabha. When the Bill was presented in the Rajya Sabha, the Rajya Sabha did not take the Bill into consideration, did not wait for the Minister to move that the Bill be passed. Such a Motion they did not wait for. Had the Rajya Sabha waited for the Motion that the Bill be passed, and had the Rajya Sabha defeated that Motion, then clause (a) would have been attracted under article 108.

MR. DEPUTY-SPEAKER: Formulate your point of order, Shri Banatwalla.

SHRI G.M. BANATWALLA : I am formulating it, Sir. On the passage of the Bill there was no Motion. Rajya Sabha did not wait till the third reading. There was no Motion that the Bill be passed. There was no such Motion that was defeated. Under clause (a) of article 108, the Joint Sitting can take up only such a Bill which is rejected by the House.

The Rajya Sabha did not reject the Bill. What did the Rajya Sabha do? The Rajya Sabha, at the very outset, defeated the Motion for the Bill to be taken into consideration. In other words, the Rajya Sabha refused to take the Bill into consideration.

Therefore, it is clause (c) that has been attracted. Since there is no clear rejection of the Bill by the Rajya Sabha, you have to wait for six months. This is clause (c). It is only after six monthsâ€¦

MR. DEPUTY-SPEAKER: Shri G.M. Banatwalla, I have understood your point.

...(*Interruptions*)

SHRI G.M. BANATWALLA : It is only after six months cooling off period....(*Interruptions*)â€¦ when the Government does not stand on its prestige and when the wisdom dawns upon it, only after six months this Joint Sitting can be called.

MR. DEPUTY-SPEAKER: Shri G.M. Banatwalla, I have heard you. I will give my ruling now.

SHRI G.M. BANATWALLA : Thank you, Sir.

श्री मुलायम सिंह यादव : उपाध्यक्ष महोदय, व्यवस्था के नाम पर हम भी अपना भााण पूरा कर दें।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : मैं आपको भााण के लिए बुलाऊंगा।

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I heard you, Shri Banatwalla.

As the House is aware, the Bill was passed by the Lok Sabha on 18th March, 2002 and transmitted to Rajya Sabha for considering and passing. After the Motion for consideration of the Bill was negatived in the Rajya Sabha, the Rajya Sabha transmitted this message: "The Bill was not agreed to by the Rajya Sabha."

It is true that the message does not specifically use the phraseology used in sub-clause (a) of clause 1 of the article 108, but negation of the Motion for consideration of a Bill by the Rajya Sabha implies that the Rajya Sabha has rejected the policy contained in the Bill. This has been made amply clear in rule 134 of the Rules of Procedure of the Council which provides *inter alia* that if a Motion for consideration of a Bill originating in the House and transmitted to the Council is negatived, it shall be deemed to have been rejected by the Council.

Therefore, the effect of the message is same as to convey that the Bill in question has been rejected by the Rajya Sabha. I may also add that the message received from the Rajya Sabha in respect of the Banking Service Commission Repeal Bill, 1977 was worded similarly. The Bill was passed at the Joint Sitting of the two Houses on 16th May, 1978.

So, there is no point of order now.

Now, Shrimati Sonia Gandhi....(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Maheshwar, please. If you start like this, then there would not be any debate. Please cooperate with the Chair....(*Interruptions*)

SHRIMATI SONIA GANDHI (AMETHI): Mr. Deputy-Speaker, Sir, thank you for giving me this opportunity to speak on a subject of vital national importance.

This is a historic occasion. It is only the third time in more than half a century of parliamentary life that both Houses have been convened together in this manner. Yet, I fear that the very dignity that should be associated with such an event is being damaged, by the insidious purpose behind our sitting today.

We are not here to celebrate a consensus on a measure of national importance. We are here today because this Government wishes to exploit a sparing Constitutional provision to achieve its narrow and controversial end. This Government is choosing to do so at a time when our polity is divided right down the middle.

This Government has chosen to ignore the pleadings and warnings of vast Members of the elected representatives. It has turned a deaf ear to large sections of the people.

It has shown contempt for the opinion of the Media and of our intellectuals. It has overlooked the view of an eminent Statutory Authority like the Human Rights Commission to push its agenda through this Joint Session. This Government has revealed its true intentions by using every device to arm itself with the menacing powers of POTO.

Mr. Deputy-Speaker, Sir, manipulating the processes of Parliament for promoting a divisive ideological agenda is to subvert the very spirit of the Constitution. The threat of a Joint Session was being held out openly even before the Lok Sabha and the Rajya Sabha had been given a chance to debate the Bill. It was, I saw and we all saw, an attempt to intimidate the Houses with arithmetic superiority and to reduce them both to rubber stamps.

A Joint Session is an extra-ordinary provision to be considered in all solemnity and seriousness when disagreements are not resolved. Even then, it should be resorted to after sufficient time has been permitted to elapse, to make allowance for introspection and possible emergence of consensus. In any case, for an issue such as POTO, a Joint Session can never be − I repeat, can never be − a satisfactory solution. It is, even more unacceptable when it is used to pass a draconian law in the backdrop of communal tension, of murder and looting in Gujarat, a divisive Ayodhya campaign and an outrageous physical attack on the Orissa Assembly. We made every effort to make this Government see reason and find a way out. We suggested a Joint Select Committee so that harsh provisions of this Bill could be discussed amicably and settled rationally. We asked the Government to institute consultations with the Opposition parties. Our proposals, I am afraid, were treated in a cursory fashion.

Given the record of the Government's obstinacy, the appeal made by the hon. Prime Minister, as late as yesterday, for cooperation on this issue rings hollow and has been apparently designed as a debating point. My own request to him, through you, Mr. Deputy-Speaker, Sir, is that his Government steer clear of politically motivated approaches in matters that cleave the polity.

My colleagues have already quoted from the speeches of senior members of this Union Cabinet who had stood to oppose just such a law in the past, namely, TADA. Those who vehemently assailed TADA at the time of its extension include Shri Yashwant Sinha, the Finance Minister, Shri Jaswant Singh, the External Affairs Minister, Shri George Fernandes, the Defence Minister by the grace of the Prime Minister, Shri Ram Naik, the Minister of Petroleum and Natural Gas, Shri Ram Vilas Paswan, the Minister of Coal and Mines. All these hon. gentlemen referred to TADA at that time as a blot on democracy, as a legislation worse than the Rowlatt Act, a legislation used not to abolish terrorism but to give a blow to democracy. Now, we all wonder why this 180-degree turn by these hon. gentlemen. What of the noble concern for civil liberties and human rights they had so strongly expressed?

Mr. Deputy-Speaker, Sir, although the Congress Party took the initiative, TADA was enacted in 1985 without dissent from the Opposition. TADA became a law in a climate of consensus and not, not in a climate of confrontation. During the 10 years of its existence, out of 76,000 detenues, only about a thousand could be convicted. In the State worst affected by terrorism, Jammu and Kashmir, TADA was totally, but totally, ineffective. In view of this record, the Congress was ready to admit that TADA had failed to serve its purpose. We had the self-confidence, not only the self-confidence but we had the open-mindedness to learn from the past. We urged this Government to learn from our collective experience. This Government, Mr. Deputy-Speaker, Sir, refused to listen. Why? Why did it refuse to listen? Because, it was bringing this law to project the issue of national security as a tool as a partisan tool of propaganda. Let me be very clear what the Congress Party is opposing. The proposed legislation is unacceptable because it violates the basic human rights of individuals.

Before we deal with the *bona fides* of the Government we should examine whether POTO has been effective in serving its stated purpose. I would like to ask, Sir, in the last five months to what extent have the activities of foreign terrorists abated? To what extent has cross-border terrorism been reduced? To what extent has militancy been reduced and to what extent has militancy in the North-East in particular been brought under control? POTO is supposed to have a preventive aspect. To what extent, Mr. Deputy-Speaker, Sir, did it succeed in preventing the attack on December 13 on our Parliament? We have, however, seen how POTO has been selectively used and misused in the last few months.

To begin with, POTO was used to ban organisations in a partisan manner. Among the first victims was a family in Jammu and Kashmir which had nothing, nothing whatsoever, to do with terrorism. The Government had then to beat a hasty retreat on its very first step, in the wake of public outcry. The Gujarat Chief Minister used it in an astonishingly sectarian manner, namely, against only those perpetrators of the killings at Godhra. He did so on the basis of a contrived distinction that one set of victims were the victims of " terrorism" and the other set of victims were actually the victims of rioting. Once again, intense public pressure compelled him to eventually give up this falsehood. Yet, those who desecrated the sanctity of the Orissa Assembly did not attract the provisions of POTO. The divisive activities of the Vishwa Hindu Parishad and Bajrang Dal that threaten to tear apart the social fabric of our nation, also do not attract the provision of POTO. The definition of "terrorist act" has been so cleverly, so very cleverly, crafted that the advancement of a political, religious or ideological agenda through murderous violence and destruction does not come within the purview of this law!

With each passing day, it is becoming clear, it is becoming more and more clear what and for whom POTO is intended.

Mr. Deputy-Speaker, Sir, we have enough special laws in the country. We have the National Security Act, 1980. We have the Arms Act. We have the Explosive Substances Act, and many other Acts. Any or all of these can be further strengthened and amended. More courts, for instance, could be set up; more judges could be appointed. Prosecutors and investigating agencies can be better trained and can be made more efficient, more effective. The legal processes can be speeded up through judicial reforms. If, extraordinary threats prevail in some parts of the country, individual States are competent to consider their own suitable legislation.

I will not go into the technical lacunae in the law which have adequately been mentioned and highlighted by my colleagues both in the Lok Sabha and the Rajya Sabha. But I would like to just briefly refer to some critical shortcomings: a Review Committee, in which a majority of members are Government appointees; a presumption under which a person is virtually deemed to be guilty until he proves himself to be innocent; the defective definition of terrorism in the law; the admissibility of confessions to the police which could be extracted through mental and physical torture; and the provision for not disclosing the names of witnesses to the accused under certain circumstances.

Mr. Deputy Speaker, Sir, it should be obvious even to the Home Minister that all these shortcomings make the law more dangerous and more amenable to misuse. The law itself is threatening but it becomes even more so in the hands of this Government. The merits and effects of the law depend not only on its legal provisions but on the manner and fairness with which it is implemented. There is, I am afraid, neither moral integrity nor sincerity of purpose among those who are trying to force this law on the nation today.

As late as the 24th of March, none other than the distinguished Chairperson of the National Human Rights Commission stated after visiting Gujarat that "all that happened could have been averted" and he added "that the people are still insecure in Gujarat." Yet, the Chief Minister of Gujarat had the temerity to blame the discussions in Parliament for the continuing communal tension. Sir, in view of such shining credentials of a BJP Chief Minister, POTO, I suspect, will become an instrument in the hands of this Government to suppress political opponents, religious minorities, ethnic groups, weaker sections of our society, and the trade unions. I am afraid, Mr. Deputy Speaker, Sir, the POTO poses a larger threat to the freedom of ordinary people than to terrorists. The devious intent of the Government was betrayed by the manner in which the Ordinance was rushed through just a few days

before Parliament was due to meet. The promulgation of POTO was accompanied by a public comment by a very important person in the Government that it would lead to a "win-win" situation, implying that the ruling establishment would gain politically whether POTO was passed or not.

Does this not demonstrate that the real intent was never to sincerely fight terrorism, but to gain political mileage? I am afraid, it does so. Was this not why POTO was projected as the principal plank during the recent Assembly elections? Yet, the BJP lost in Punjab, the BJP lost in Uttaranchal, the BJP lost in Manipur, the BJP not only lost, but suffered heavily in Uttar Pradesh. Now I would like to know, does the Union Government, led by the same BJP, still not see the light?

The system of jurisprudence propounded by the fathers of the Constitution and nurtured over decades provides basic safeguards to protect the liberties of the citizens. POTO, I am afraid, will create a parallel system. It will crate a separate system of legal procedures, of evidence and of courts. It will bypass the normal criminal justice system. In other words, it will not be a system of justice. It will be a system of injustice and such a system is repugnant to the fundamentals of democracy.

Sir, history is witness to the fact that draconian laws have rarely been successful in combating terrorism. This evil is best combated by strengthening social cohesiveness, by promoting communal harmony, by accelerating economic growth and above all by ensuring distributive equity in the country. At any rate, the purpose of fighting terrorism cannot be achieved by sacrificing individual freedom or by weakening democratic institutions.

Astoundingly, it has been suggested that opposing POTO is tantamount to supporting terrorism. We have been accused of being soft on terrorism. The Congress Party, of all Parties, has a proud and consistent record of fighting terrorism. The Congress Party lost two of its tallest leaders in the fight against terrorism. The Congress Party does not need lessons in patriotism, least of all and certainly not from the proponents of the "politics of hate" for which some Members present here today are so well known. This simplistic and subversive propaganda is nothing but a well-known technique that the Ruling Party has long since begun to adopt in the country.

Mr. Deputy-Speaker Sir, if the Government is serious about combating cross-border terrorism, we have always been ready, we will always be ready and we are ready to extend our unstinted support. The Prime Minister, as the head of this Government, has to decide whether his primary duty is to protect the welfare of the people of India or to succumb to the internal pressures of his Party and its sister organisations. Will he be submissive and weak in his leadership or will he uphold the prestige of the high office he holds? His moment of reckoning has come. My Party and I oppose this legislation for its anti-democratic features.

Mr. Deputy-Speaker, Sir, the Congress Party stands firmly against POTO.

...(*Interruptions*)

श्री मोहन रावले : महाराट्र में कांग्रेस नेतृत्व वाली सरकार है, वहां पोटो क्यों लागू किया?â€¦ (व्यवधान) क्या वहां माइनोरिटी के लोग नहीं हैं?

MR. DEPUTY-SPEAKER: As agreed to in the Leaders' meeting held today, there shall be no lunch break and voting shall be held at around 5 p.m.

Shri Manohar Joshi.

THE MINISTER OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI MANOHAR JOSHI): Mr. Deputy-Speaker Sir, I am thankful to you for giving me this opportunity to address this very important Joint Session.

Sir, I am speaking on behalf of Shiv Sena, my Party. As everybody is aware, my Party is fully supporting POTO. We believe in sovereignty of our country. We are against all sorts of terrorism and are supporting the Bill because we are a true, trustworthy and reliable friend of the BJP. It is said that a friend in need is a friend indeed. Therefore, Sir, we are supporting the Bill. It is also because we thought that it is absolutely necessary in the interest of the country. This is what the Government can do minimum in the interest of the law-abiding citizens of our country. I have no hesitation in saying so. We want India, the people of India to live without fear and with dignity. We have always fought against terrorism and, therefore, our support to this Bill is from the bottom of our hearts.

I have been a witness to the havoc that was created by the bomb blasts in Mumbai. Friends, those who have seen the bomb blasts, I am sure, will understand the activities of the terrorists and will never be in a position to oppose POTO.....(*Interruptions*)

Mr. Deputy-Speaker Sir, as the former Chief Minister of Maharashtra, I have experienced what it takes to root out

terrorism. The much talked about Maharashtra Control of Organised Crime Act (MACOCA) was also conceptualised during my time.

Sir, since 1988, we have suffered about 50,000 incidents and have lost more than 12,000 lives of civilians and 4000 lives of security personnel in the country.

See the recovery of the explosive material and imagine the kind of destruction that this could have caused! More than 40,000 hand-grenades have been recovered since 1990; 47,000 detonators, 5,100 anti-personnel mines; more than 4,000 anti-tank mines; and 5,000 kgs. of RDX have been recovered. You will be surprised to know that the materials recovered so far from the terrorists would have been sufficient to perhaps blow up the entire country. Therefore, it is necessary to understand the seriousness of terrorism in our country. The terrorists are armed with AK-47 weapons. This is what terrorism means today in the country. Therefore, Shiv Sena, no doubt, not only supports the POTO Bill which has been introduced today in the Joint Session of Parliament, but also expects that the provisions of the Bill should have been made stricter than what they are today. Stricter provisions are necessary because we are not fighting ordinary criminals. We are fighting those who have all kinds of weapons and equipment with them. Therefore, it is necessary that terrorism will have to be fought with all unanimity and without any exception.

Sir, this Bill became necessary only because of the situation that is prevailing in our neighbouring country. The greatest threat in the world today is from the Islamic fundamentalist groups based in Pakistan. How are we going to fight these fundamentalists, is the basic question that is before us. These groups receive all kinds of support from the Government of Pakistan. Islamic fundamentalism is also raising its ugly head in Bangladesh. We all are aware that in Bangladesh also, in some parts Hindus have been attacked. Nepal has also been witnessing the Maoist insurgency. More than 1,500 people have been killed. Looking at all these aspects, do you not think it necessary that a strict law is passed in the country as early as possible? We all were aghast when the Pakistani President, General Musharraf termed the cross-border terrorism in Jammu and Kashmir, a freedom movement, when it is crystal clear that it is the ISI which is sponsoring, controlling and cultivating terrorism in Jammu and Kashmir. Look at what is being taught in more than 50,000 *Madarsas* of Pakistan. Count the number of training camps for terrorists, sponsored and being run by the Government of Pakistan. If this is happening in our neighbouring country, should we not arrest the problem, before it gets out of our hands?

We are faced with extremist movement in Andhra Pradesh, Bihar, Jharkhand, Maharashtra, Chattisgarh, and Madhya Pradesh. We have the menace of private armies in Bihar; in Assam there is a problem of ULFA; People's Liberation Army in Manipur, Socialist Council of Nagaland in Nagaland; and All Tripura Tiger Force in Tripura.

From across the Indian border, there has been a large-scale induction of lethal and sophisticated weapons, narcotics, fake currency etc., and support is being provided for all these activities. So far, the Government did try for peaceful measures.

You are all aware that a unilateral cease-fire was also announced by the Government of India and it was extended thrice. But I do not think that the terrorists will be able to understand the peaceful measures which have been adopted so far. And, what is worse is that during the visit of Gen. Musharraf also, the terrorists did continue with their activity. I remember that the diary of the *Lashkar-e-Toiba* Commander, Rahman, who was responsible for the brutal and mindless killings, contained this and he had recorded this:

> "The warriors of *Lashkar-e-Toiba* have killed 19 unbelievers of Islam. This is our challenge to the Indian Government. "

Sir, it is clear that the terrorist activities in the country are being done with a definite design and with an intention to see that the total idea of the country like India is eliminated. Therefore, the Government thought of taking steps and the first step was to go in for POTO. It is known to everybody that they have been in favour of *Jehadis*. They have been saying that Kashmir is only a gateway to establish the rule of Allah throughout the world. For them, Kashmir is not the end but only a means. The ultimate aim of these *Jehadi* groups is to revive the tradition of *Jehad* among the Muslims all over the world in order to win back the lost glory of the Muslim world. Therefore, we shall not allow any of the *Jehadi* groups to succeed in its evil intentions. If the Opposition wants to help these groups, we will not allow them to do that. We will resist that and use all the might to protect the country from this type of an activity.

The ordinary laws would never be sufficient to protect our country because the terrorists have been brain-washed. Their idea is of *Jehad* all over the world. They have enough resources, and, therefore, it becomes more difficult.

They have access to technology. We have seen what they could do as in the case of the World Trade Centre Towers and the crash of a plane on Pentagon. I am really surprised that how the people's representatives can take a stand against the interest of the people. These J*ehadis* want to create an atmosphere which is more dangerous to the country. It is seen that for fighting these people, the present law would never be sufficient.

Their intention is to wipe out the country. Are we going to permit this? Are we going to support this? I pose a question. Can we secure the lives of Indians and are we ourselves secured?

Can I ask the Opposition? Are you not signing the death warrants for the whole country by not assenting to this Bill? Are you going to risk the security of this country for achieving some minor political gains or for some small number of minority votes? Let me tell you that in any case, these votes are not in the hands of anybody. For whom these people will vote is unfortunately being decided by criminals sitting beyond the borders. This is the politics that is coming in the way. So, those who are eyeing these votes will not gain much. For the sake of votes, if the Opposition wants to oppose POTO, I think, it is not in the interests of the country.

The Opposition has been saying that the provisions of the Bill are too stringent. A number of times they said that the provisions are draconian. They are criticising the Bill saying that it violates the human rights. Let us see as to whether the Opposition is saying this out of conviction. Or are they opposing it for the sake of opposition? My party feels that the Opposition is opposing POTO, only because they want to oppose it for the sake of opposition. Beyond that, they have nothing to do with POTO.

Sir, I must say that the very Government, the very people who are opposing POTO have been implementing POTO in the States like Maharashtra. I am saying this with all responsibility. The Congress leader here just now opposed POTO. When Shri Advani was speaking, he did mention that privately people are saying something different. I must mention that the POTO as it stands today is not applied in many States. The POTO is applied for a person like Afroz, in the State of Maharashtra, where the Congress Party is leading.

May I ask the Opposition leaders this? Does it not prove the point made by the hon. Home Minister that they may be opposing publicly but when it comes to the execution, apart from the other States, the Maharashtra Government was also one of the first States which applied POTO? The Government in Maharashtra is led by the Congress Party today. The position of Maharashtra is quite clear. The Congress Party is ruling Maharashtra in coalition with the NCP, another Congress party. Shri Ramdas Athawale knows about it. The NCP has supported POTO, whereas the Congress Party has opposed POTO. They have no unanimity on the issue. POTO is applied already. The MACOCA has been applied. Therefore, I personally feel that the provisions of POTO are not more stringent than the law like MACOCA.

The question I therefore, pose now is this. Which of these laws is more stringent? Obviously, POTO is not. Now, let us see as to how MACOCA proposes to achieve and as to what is proposed to be tackled by POTO? MACOCA is for combating organised crime and POTO is for combating terrorism. I personally feel that any Act against organised crime may not be as important as the crime against terrorists. Why is it that the Congress Party, which has chosen to take recourse to MACOCA in Maharashtra, is opposing POTO here? How can a law that applies to organised crimes syndicate such as Abu Salem not apply to terrorist organisations, such as, *Lashker-e-Toiba* or *Al-Qaida* or to Osama bin Laden? If the Congress Party feels that the POTO is draconian, then they should first repeal the MACOCA in Maharashtra before they raise their voice in this august House.

Let me give you some figures as to how the MACOCA has become successful. The MACOCA has become successful in Maharashtra because out of 21 cases decided so far, 16 have resulted in conviction. This was against the organised crime. When it could be successful in Maharashtra, I am sure that the POTO would also be successful as soon as it is accepted by this august House.

13.00 hrs.

If you leave aside petty offences, the success rate as per the present law is only 6.5 per cent whereas the success rate of MACOCA in Maharashtra is more than 75 per cent.

Sir, a question was raised here about the protection of witnesses which has been provided in this Bill. I am happy to mention that the protection of witnesses is absolutely necessary, as rightly mentioned by the hon. Home Minister. In the case of the assassination of Gen. Vaidya, we are all aware that the witnesses, even the members of the family, could not come forward to give evidence because they were afraid of the consequences. Therefore, it is necessary that such provisions are included in the Bill.

The important point which has been raised by the Opposition from time to time is that they are afraid that this law might be used against minorities. I must say that any criminal is a criminal, whether he belongs to a minority community or the majority community. I would like to quote some of the names of persons against whom cases were

filed under TADA during the tenure of the Government headed by the Congress Party. They are, Yaqub MeMon, Sharif Sarkar, Abdul Ghani Mailsur, Ashraf Mukadam, Faruq Pable, Pervez Sheikh etc. Who are these people who were arrested under TADA? I am not going to read the entire list, but I have the entire list with me which shows that these were notorious criminals and therefore they were arrested.

Sir, even during the application of MACOCA, you will find that most of the gangsters arrested in Mumbai were the gangsters belonging to Dawood gang. So, whenever some people oppose POTO or oppose the Act like MACOCA, I would like to ask them a question. Are we going to look into the religion of the people arrested or are we going to act as per the provisions of the law? I would like to mention here that wherever Dawood's people were arrested, all their deeds were serious crimes. In cases of crimes relating to murder, extortion, possession of fake currency, illegal fire arms and ammunition etc., would you accuse a bias in enforcing the law against a particular community? I am sure that wherever there is a possibility of such misuse, the Government has taken all the necessary precautions to stop that.

Sir, action under TADA in the Mumbai bomb blast case was taken by the Government headed by the Congress Party and action under MACOCA is also being taken by the Congress-led coalition Government in Maharashtra. We could proceed with the trial in the Mumbai bomb blast case only because there was an Act like TADA. Would you not like these criminals to be arrested and tried for the offences that they are committing? Unless the misdeeds and evil intentions are curbed timely, I am afraid that there would be further inroads into administration and politics. Then, the things will become worse and our country will become another Afghanistan which was being ruled by the Taliban. If you see the list of people arrested, you will find that they were notorious people and therefore action against them was necessary.

Sir, in the case of POTO, a special provision has been made that if a confession made before a police officer is going to be accepted, within 24 hours the confession has also to be recorded before the Chief Judicial Magistrate and therefore all necessary precautions have been taken in this Bill. As regards the fear of misuse of this law, very often TADA is quoted, but in TADA the provisions were different. It was made absolutely clear by the hon. Home Minister that those provisions which were dangerous have been removed and a new Bill has been brought in.

Some people, while speaking on this Bill, have said that in the list of banned organisations, all of them are belonging to minorities. But I would like to mention that only eight organisations out of a list of 25 are concerning minorities and rest of the organisations have no concern with minority communities. A demand was also made, either in the Lok Sabha or Rajya Sabha, for banning *Vishwa Hindu Parishad* and *Bajrang Dal*. I would request the hon. Minister of Home Affairs never to think of banning these organisations which are for national interests. They have not done anything wrong of the nature of other organisations that I have mentioned. ...(*Interruptions*) The Government should not yield. â€¦ (*Interruptions*)

Let me know a single activity done by these organisations which is against the national interests. Therefore, the *Shiv Sena* will not tolerate any action being taken against these organisations. These are working in the interest of the nation. ...(*Interruptions*)

I must say that all the Chief Ministers have, from time to time, also supported POTO. The general consensus in the country, as the hon. Minister of Home Affairs has said, seems to be in the interest of POTO.

I must also say that it has been heard that Osama Bin Laden has said: "The biggest enemies of Islam are in India and the USA.

MR. DEPUTY-SPEAKER: Shri Puglia, no interruptions, please.

SHRI MANOHAR JOSHI: I must say that unfortunately in this country some people are supporting the *Jehad*. They are working on the lines of the Taliban.

MR. DEPUTY-SPEAKER: Please do not disturb. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Puglia, please resume your seat. Do not disturb now.

SHRI MANOHAR JOSHI: I must refer that from the Jama Masjid, Shahi Imam has appealed to the Muslims to join *Jehad*. I think, if such appeals are made, these are most risky and not in the interest of unity and integrity of the country. Therefore, if action is to be taken, it should be taken against Shahi Imam. Strict measures should be taken against him. If he makes any propaganda in favour of *Jehad*, strict action should be taken against him under POTO.

I have always been saying that all of us must be united on this issue. I find an illustration. When President Bush took action, it was quick. The people in every country thought that action against the terrorists and also against the Government of Pakistan would be quick. I also found that when President Bush took action, the entire country stood behind him. I wish that whatever action the hon. Prime Minister, Shri Vajpayee, is taking, we must all stand behind

him unitedly in the interests of the country.

In the case of Israel also, we have found the same thing. All the people of Israel supported the action against the Pakistanis. Unfortunately here, the country is divided. That creates a problem for us.

MR. DEPUTY-SPEAKER: Now, you please conclude. There were nine minutes. But you have taken 24 minutes.

SHRI MANOHAR JOSHI : I will conclude in a minute.

MR. DEPUTY-SPEAKER: Otherwise, you will not be able in a position to finish your speech.

SHRI MANOHAR JOSHI: Sir, the Government cannot take action without a weapon. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Rawale, I am here to regulate the House.

SHRI MANOHAR JOSHI: We have given one weapon in the hands of the Minister of Home Affairs. If we want the terrorists to be stopped, we must give him more weapons, that is, a stricter law than the present one. Then, I am sure, he will be successful.

Finally, I would say that on such issues, the country should be united. We must act unanimously. If we want to strengthen the country, the only way out is to pass this Bill unanimously and assist the Government.

MR. DEPUTY-SPEAKER: Now, Shri Somnath Chatterjee. You can also take up Shri Basu Deb Acharia's point of order.

SHRI SOMNATH CHATTERJEE (BOLPUR): Sir, I think, no time-limit is there. I find that the *Shiv Sena* did not have any time-limit.

MR. DEPUTY-SPEAKER: He has taken enough time. What to do? He is a senior leader.

SHRI SOMNATH CHATTERJEE : Mr. Deputy-Speaker Sir, the hon. Home Minister said that our hon. Prime Minister has the unique distinction of attending all the three Joint Sittings of this Parliament of India, as if it was a great distinction, I do not know. But at least, he has acquired the distinction of presiding over the conscious decimation of the secular fabric of this country.

Under the benign protection of our esteemed Prime Minister, a State- sponsored, a political party sponsored mayhem is carried on in one of the States in this country, where on the basis of religion people are being butchered and the Chief Minister of that State is trying to justify the mass scale killings on the basis of a reaction to a very condemnable incident. What more pronounced misutilisation of POTO can be there?

I was waiting for the hon. Home Minister to make a reference to that. In this State selectively POTO was used against minorities. For 85 killings which were absolutely ghastly killings, the use of POTO was justified against those criminals. On what basis it was not applied against the people belonging to the majority community, who had indulged in that mass killing in Gujarat? When it became too hot, when suddenly, probably some message had gone from Delhi that """"the Joint Sitting is going to be held, we have to take up a posture of neutrality or evenhandedness"""", we find sudden withdrawal of such cases under POTO against the minorities. The hon. Home Minister conscientiously, I believe, did not refer to that.

Now, what we find even today is that the police officers have been shunted out because they had taken certain action against the majority people there. They are being transferred. There we find that without any contradiction - we have not seen any contradiction - the police officers are saying in Gujarat: "Allow us to function, you are keeping us almost handicapped, we cannot function, we cannot take action against the perpetrators of such heinous crime". Not one word has come either from the hon. Prime Minister or from the hon. Home Minister. I would like to know what is the response of the hon. Prime Minister or the hon. Home Minister towards the deliberate insult that has been committed by one of the Chief Ministers belonging to the party of the Prime Minister himself. In what language he has criticised the Parliament as a whole? He says and I am quoting because there is no rejoinder, I take it he has been correctly quoted: "There is a systematic attempt made by hypocrites sitting in Delhi to exaggerate the Gujarat situation and they are using the Parliament."

Therefore, I take it that the BJP top leadership approves of this and the Prime Minister approves of this. And today, we have been told about the great institution of Parliament, which they are deliberately denigrating. There is a limit to double standards. This Joint Session is being held not for upholding any parliamentary tradition but because of the intransigence of this Government in imposing on the democratic people of this country a most draconian piece of legislation.

Sir, people like us consider this nothing but a declaration of war on the ordinary people of this country. We know

the real victims of this legislation, as has already been seen, will be not the die-hard terrorists because you are unable to catch hold of them but against your detractors, political detractors and particularly against the minorities, as we have already seen.

Sir, the Constitution of India was adopted in this great Hall by the founding fathers, who fought for Independence and freedom, made sacrifices and they fought for the unity and integrity of this country. They believed that secularism and equality would not be mere *mantras* but would be practised by those who will be ruling this country. And that would be the commitment of the nation as a whole and that would find its culmination in the governance of this country. But, Sir, what has happened today? This great Hall, which has given our great Constitution, where equality is a fundamental right, where protection of minorities is a fundamental commitment of the country as whole, is being defiled today by what I feel the power-hungry marauders of democratic and human rights. They are intent on dividing the nation on the basis of religion with the help of fundamentalist and obscurantist forces like VHP, Bajrang Dal and RSS, and what I consider tragically supported by some misguided friends, who have mortgaged their democratic conscience by joining in an opportunistic alliance for sharing power and the attendant benefits.

Sir, I charge this Government of trying to pull down every sacred cornerstone of the great edifice of our Constitution. They are being dismantled by this Government who will go down in the history as the attempted wreckers of the Constitution.

Sir, I saw and heard the hon. Home Minister saying on the Television in the other House that no motive should be imputed to them and that people should accept the assurances of good behaviour on the part of this Government. But, Mr. Home Minister, did you consider, has the Prime Minister been good enough to consider what is your credibility in this country, what is your Government's credibility in this country? You have violated every promise made to the people. Every assurance and every constitutional commitment to the people have been jettisoned. The people's unity is at stake. Equality under the Constitution has last all relevance. Secularism is in shambles.

Indian economy is in tatters. Federalism has become a very dispensable commodity, concept. The promise of one crore jobs every year has become a joke. Even the concept of *Swadeshi,* which many of you still mention from housetops, has become an outdated concept to this Government. Our foreign policy, which has been the common foreign policy of this country, has been expressly sacrificed to keep some of your friends happy. That is why, whenever there is a new occasion before the people to express their views, they are doing it unreservedly. That is why, you are losing one after another election. You have lost your base and the people, in no uncertain terms, have given their verdict. Their verdict is against this motley combination which is surviving only for the purpose of sharing the spoils.

Mr. Deputy-Speaker, Sir, I have no doubt when the time will come for the people of India as a whole to give their verdict, they will consign this outfit to the dustbin of history. This law is to be implemented by the State Governments primarily. But how many States the BJP and its Allies are ruling? BJP rules only in three States and its Allies are in power in four others. Maybe, in the next some other election, it will go minus one. Sir, 20 States have Governments belonging to Opposition Parties or to Parties outside the NDA. In two States, there is President's Rule. Even the people of Uttar Pradesh and of Uttranchal have shown them the door. But no lesson has been learnt. Sir, it is inevitable that the nemesis will overtake them but the trouble is, in the meantime, the country suffers and the people are burnt alive in one of the States ruled by the BJP, namely, Gujarat.

Sir, we are reminded every time of this. We know that. We have never disputed that terrorism has become a worldwide phenomenon; that we are suffering from cross-border terrorism; and that proxy war is upon us. Who has denied it? Can there be a single instance cited by this Government when the Opposition Parties have not co-operated with them? Whenever the hon. Prime Minister thought it fit to call us, which may be very rarely, or on those rare occasions when there is trouble within BJP, I have said that--we have openly supported even whatever proposals were there regarding Kashmir. We supported the cease-fire. I said: "If you want it, we support it." They wanted the cease-fire to be withdrawn. We supported it. Can you cite a single instance where the Opposition Parties did not co-operate? Not a single occasion can be cited when we have, in any way, tried to deal with it as a partisan matter? If the Government feels and as they say now that this is a national problem, then why no national approach is made? Instead of mentioning that some Chief Ministers have been quietly telling him somethingâ€”obviously he cannot name themâ€”and trying to create a suspicion about the *bona fides* of Chief Ministers ruled by other Parties, why no national approach is made? You are trying to create an aura of suspicion about the duly elected Chief Ministers in this country. I did not expect this from Shri Lal Krishna Advani. Although I have been deliberately misquoted, I have said it in Parliament, I never denied it that yes, coming from a border State when I was speaking for West Bengal, as I am a Member from West Bengal, some special law may be necessary but we are against the draft POTO Bill which had been even recommended by the Law Commission.

Why do you not sit with us across the table, take up clause by clause and tell us what are the problems faced by this Government. The West Bengal Government is facing the problem but what is the solution. He says that he has

given a list. I do now know whether he should be guided by the Law Minister. Shri Advani has read out a list of who supported it and who did not support. If the law was necessary for the country's benefit, it would have been passed, as a whole, by acclamation but you have made it a partisan matter.

We have said that the National Human Rights Commission has given its views and so let us consider it. Suddenly we found that an Ordinance was promulgated, after the House had been summoned or when the House was going to be summoned, on the 24th of October. It is not a red-letter day but a black-letter day. It is one of the blackest days of this country. It shows how the whole Parliamentary system is being sought to be affected and decimated, how the Government treats the Opposition parties. You are in a hopeless minority so far as the State Governments are concerned. What was the basic necessity of this Ordinance?

The other day, during the last stages of deliberations in the Lok Sabha on this Bill, I asked only one question to the hon. Home Minister: "You have this law from the 24th of October but what is the result? How many cases have you apprehended? What has been the effect on Jammu and Kashmir? What is the effect on the North-Eastern States? What is its effect on the ISI activities? How many people have been apprehended? How many terrorist attacks have been prevented since this is a preventive law?" He said that he would give those figures but even today we have not got those figures.

From the 24th of October, this law is in full force. I would like to know what the outcome has been. Why could they not stop the 13th December attack? Mr. Prime Minister, you abused us in Shri Sharad Pawar's birthday party. You said that we were irresponsible people in the Opposition. Shri Advani has been repeatedly saying, 'Whatever may happen, we are in a win-win situation but look at the irresponsibility of the Opposition.' He echoed George Bush. Sometimes it seems, Lal Krishna Advani has become Lal Krishna Bush. He echoed George Bush and said: "Those who oppose POTO are in effect supporting terrorism. They are being soft so far as terrorists are concerned." We can reject this type of fulmination totally. I would ask the hon. Home Minister − I understand, the hon. Prime Minister would intervene and I hope he does − why the Government could not stop the attack on the 13th of December on Parliament building when you had full knowledge of it. Today, you have made it a fortress. We do not mind it. Certainly, you have to protect Parliament. My charge is, with full knowledge, you did not take any step because you wanted to utilise it against the Opposition parties. ...(*Interruptions*)

Sir, the hon. Leader of the Opposition has referred to some of the glorious interventions of our present Minister of External Affairs. I am his unabashed admirer. I think, he knows that, although he continues to remain in that company. His observations have already been quoted.

Sir, I am coming to my sister, Shrimati Sushma Swaraj, the most articulate of them. Of course, Shri Yashwant Sinha, in a great bravado, did not imagine that he would be the Minister of Finance one day and he has to find out moneys for tackling the terrorists. He also said something. It has been quoted and I need not quote it. Our worthy hon. Minister of Defence has also said certain things.

Now, I would like to quote about the recent convert, Shri Ram Jethmalani, our distinguished friend. I hope he is present here. I quote:

> "You have created a law of which any decent person should be ashamed of. "

I think, either he has become indecent or the sense of shame has gone. Now, he has chosen his present company. I again quote his observations:

> "I wish there were some educated people to advise the then Minister of Home Affairs. "

Of course, it should equally apply to the present Minister of Home Affairs. He said that there must be somebody who had some intimate knowledge of criminology, some people who had knowledge of the theory of legislation and the theory of penal legislation at that. He said that such advisors should have been available to the Minister of Home Affairs of the Congress Party. I do not remember who was there at that time.

Now, I come to my good sister. My admiration for you is not lessened by what you said earlier. She said:

> "We accept that TADA has not only been misused, but has been misused flagrantly... The fundamental root of misuse is Section 3. Because this is where you begin to define a terrorist act. It is because of this definition that political opponents can be arrested under TADAâ€¦that TADA can be used on farmersâ€¦that innocent people can be caught under TADA and kept languishing for years. Your definition is so broad that any person- an ordinary criminal who could be charged under the IPC is also

picked up under this Act thus defeating its very purpose and intention."

I know your conscience is troubling you. We have got the expression of half of it otherwise. But today how is it different Mr. Home Minister? In what way? It is because you are going to implement it. You are threatening the people for five

long months. You think the test of patriotism is dependent on the support a person gives to the POTO. What will you do? Unfortunately, it will become the law and it will be a permanent legislation. You do not have to go on renewing it. It will give a little respite to Shri Pramod Mahajan. He does not have to gather people here to get this Ordinance enacted and law passed. But what will you do tomorrow with this law, Mr. Home Minister? You said: `well, I had thought the USA would react in certain manner; this country would react in such a manner'. What did you gain by your kowtowing to the U.S. President? I would not use strong language for your statements, observations or whatever it may be. How would he come to your rescue? Which foreign country has come to your rescue? Merely by following one law in terms of the Security Council or the U.N. General Assembly Session, will it solve the problem? Can you guarantee us from here, from this rostrum, Mr. Prime Minister, Mr. Home Minister, that after this becomes a permanent law in our Statute Book, there will be no incident? Sixteen year old boys have been arrested in Gujarat under POTO. This is the type of use that you have been putting it to. Minorities are being attacked. How will you stop terrorism, I would like to know. We should all the time remember that this law is in full force from 24th of October, 2001, and the submissions are being made as if only if it becomes a law today, it will be used. This is a completely wrong impression which is being created throughout the country.

Till today, we have not been told what was the tearing hurry for issuing this Ordinance. We have not been told what were the reasons which would justify this Ordinance. We have been waiting for an answer, but no answer has been given.

How could this law will be utilised by them, I would try to show in my humble way. The whole object is to carry on a virulent propaganda on the basis of POTO. This POTO could never be utilised. Even now, no Special Court has been constituted till today. Only in this Bill, not earlier, they provided that the present Sessions Court can act as a Special Court. That is only when the new Bill has come in. Till January-February, there was no Special Court to try any of these offences. No designated authority, no public prosecutors have been appointed. No rules have been framed under clause 19, even regarding forfeiture or otherwise. No Review Committee has been constituted either. Then how can this law be implemented? Why are you showing POTO as if this is the panacea for all evils when you are not sincere about its implementation? Even if we have been opposing, you do not care for our sentiments. You do not care for the entire Opposition's views in this matter. You do not care that today a majority of the States perhaps will not implement it. But even then you must have your *zid a*nd you must go on with this because you want to indulge in propaganda and probably you want to show to President Bush that here I have passed a law.

I charge that really it has been a still-born legislation. But it has been hastily brought to terrorise the minorities and the Opposition parties to be utilised for the last elections that were held recently in different States.

That is why they have not been able to prevent a single terrorist act. They have not been able to cite one instance where because of this law they could prevent some action being taken.

Therefore, I charge whatever may be the anguish of the hon. Minister of Home Affairs who may feel that "Oh, well, you are not accepting our *bona fide*", I am sorry that in respect of this measure we suspect the *bona fides* of this unnecessary law, of this black law and we cannot accept the *bona fides* of this Government so far as this law is concerned.

Many well-known people, jurists including Shri Fali S. Nariman − you may not be liking him today so much − have said about it. Do not accept the humble views of a humble lawyer like me. But there are eminent people, the National Human Rights Commission who said on it. What has been said by the National Human Rights Commission? They said :

> "The Commission is unanimously of the considered view that there is no need to enact a law based on the draft Prevention of Terrorism Bill, 2000 and the needed solution can be found under the existing laws, if properly enforced and implemented, and amended, if necessary. The proposed Bill, if enacted, would have the ill-effect of providing unintentionally a strong weapon capable of gross misuse and violation of human rights which must be avoided particularly in view of the experience of the misuse in the recent past of TADA and earlier of MISA of the Emergency days."

This is not what Somnath Chatterjee says. The National Human Rights Commission, presided over by no less a

person than one of the outstanding Chief Justices this country has had, Justice J.S. Verma says :

> "This Commission regrets its inability to agree with the opinion of the Law Commission in its 173rd Report and recommends that a new law based on the draft Prevention of Terrorism Bill, 2000 be not enacted. Such a course is consistent with our country's determination to combat and triumph over terrorism in a manner also consistent with the promotion and protection of human rights."

Unfortunately, none of the Members of the National Human Rights Commission is a Member of the CPI(M). I would have liked them to be so; but they are not.

The Commonwealth Human Rights Initiative, presided over by Justice Leila Seth, former Chief Justice says :

> "We strongly advocate that the Prevention of Terrorism Ordinance 2001 will impinge on the rights of the citizens as seen in the earlier terrorism Bill, the TADA which, instead of being able to curtail terrorism, incarcerated thousands of innocent people."

I do not wish to go into too many details about their misuse. Recently, the Supreme Court, only two days back, has said about TADA that TADA was a serious inroad to the liberty of an individual. The Bench consisting of Justice Banerjee and Justice Venkatarama Reddy said : "TADA cannot but be said to be a drastic piece of legislation." If I may quote, the Bench also wondered "whether the Police had planted the case on the accused or roped him in." These are the types of misuse done. It then says : "Is this deliberate to cover up or to present a make-belief situation which otherwise tends not only improbable but totally absurd?" The Bench asked this and noted:"The State Government's advocate has answered the same in silence rather than on a definite note."

The recent observation of the Supreme Court on one of the cases of misuse of TADA in another case is there. Another Bench comprising Justice M.B. Shah and Justice Dharmadhikari dismissed the Gujarat Government's appeal against the acquittal of one WAQAR Ahmed Abdul Hamid Sheikh who was arrested for the same offence and tried on the same evidence by which the Apex Court had dismissed the Government's appeal relating to another accused in 1997.

With regard to the same offence, `this person has been in jail for years together.' These are the observations of the Supreme Court. Of course, we have seen the instance of its misuse in Gujarat. Sir, we have got some of these particulars about the number of cases where only a few, very minimal people had been ultimately proceeded with or could be sentenced. They have all resulted in acquittals in most of the cases, but they have spent years and years in jail, without any trial and without any opportunity to vindicate their positions. I appeal to all sections of the House that this is the irony of the situation that an important matter, namely, fight against terrorism has been made a partisan issue by this Government because its real intention is not to fight terrorism but to fight for some other purposes which they want to keep hidden. We have seen how the hidden agenda of this Government has come out. We have seen what happened in Ayodhya. There is no longer any secret. This Government has participated in the religious function. It has now become the holder of consecrated stones. There, they will appoint *pujaris* to perform *puja*. This is the function of this Government! Under this Government, this has happened.

Sir, therefore, when all these important organisations/persons are saying that there are adequate provisions in the law, if they had thought of tightening some of the laws and some other provisions, I can understand that. I can understand that some provisions regarding bail, and some provisions regarding quick disposal of the cases could have been amended. Nobody would have opposed it if properly conceived legislations had been brought about. Mr. Deputy-Speaker, Sir, thereforeâ€¦. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: I am also aware of the time.

...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Sir, so far as the Bill is concerned. ...(*Interruptions*)

श्री सुरेश रामराव जाधव (परभनी) : उपाध्यक्ष महोदय, यह कितना समय और लेंगे?

MR. DEPUTY-SPEAKER: Shri Jadhav, will you please keep quiet? Only nine minutes of time was there for Shri Joshi, but he spoke for 24 minutes. When senior leaders speak, they know their responsibility. Every time, you are disturbing like this.

SHRI SOMNATH CHATTERJEE : Mr. Deputy-Speaker, Sir, there are many of these problems. The Law Minister is fully aware that the gravest concerns are shown regarding the width of definition of terrorist acts under clause (c), with regard to seizure of property and with regard to terrorist organisations. I am not going into the details with regard to provisions of the Bill.

MR. DEPUTY-SPEAKER: There is no time.

SHRI SOMNATH CHATTERJEE : About the review committees, I would ask how non-judicial persons, how non-legally trained persons can be members of the review committee. Then, the onus is put on the person charged. So far as membership of terrorist organisation is concerned, one has to prove the negative. Then, the onus is shifted on the accused regarding wide amplitude of so-called support to the terrorist organisations. Then, clause 29 provides for summary trial. Clause 30 provides for something unique, that is, names of the witnesses will not be divulged. This is against all canons of proper trial. Then, everybody has condemned the provision of confessions before the police officer. This is an anathema to law.

MR. DEPUTY-SPEAKER: Shri Somnath Chatterjee, please conclude.

SHRI SOMNATH CHATTERJEE : Sir, I will take half-a-minute more. These are the serious lacunae in this law, so-called law. I call it a lawless law. I only wish to say to Mr. Prime Minister that you find this country divided today in the middle on this issue. In majority of the States, you cannot implement this law. You have to do it through Central forces. That will be a direct attack on the federal concept of this country and on the Constitution. In good grace, you should withdraw this. You have made it a prestigious issue. All sorts of propaganda are going on that something historic is going to take place.

Sir, we are sorry that one provision of the Constitution of India is being misused for partisan purpose of this Government, which has forfeited all support of the people of this country as has been proved by the recent elections.

I thoroughly and totally oppose this Bill.

SHRI K. YERRANNAIDU (SRIKAKULAM): Hon. Deputy-Speaker, Sir, I am very grateful to you for giving me an opportunity to speak on this Prevention of Terrorism Act.

The country is facing severe terrorism and cross-border terrorism. POTO is the need of the hour to combat terrorism and cross-border terrorism. I am speaking on behalf of my Telugu Desam Party. My Party is supporting POTO as proposed by the Government of India.

Sir, we are all aware that we have enacted so many legislations in our country. Even in the year 1980, there was a legislation, that is, the National Security Act. We have the Prevention of Narcotics Act, we have the Essential Commodities Act, we have MISA, we have NSA, and we have TADA. We have so many legislations to control crimes. Why have we enacted so many special laws? That is my question.

The situations are different. Now, the country is facing terrorism and cross-border terrorism. In the last 20 years, we lost 61,000 civilians, who were killed by the terrorists, and nearly 8,000 security guards were killed in these terrorist acts. Even recently, on the 13th of December, terrorists attacked the Indian Parliament. Therefore, the need of the hour is to legislate a special law. So many Governments, depending upon the scenario existing in their States, have enacted such special laws. Even the Maharashtra Government, where the Congress is in power, has implemented MACOCA very effectively and efficiently. The Andhra Pradesh Government also replicated MACOCA. It has also enacted the same legislation and it is being implemented in Andhra Pradesh. The Karnataka Government also enacted a similar law. They have also passed a legislation and it is pending before the President of India for his consent. Even recently, the West Bengal Government also enacted this special legislation. ...(*Interruptions*)

SHRI RUPCHAND PAL (HOOGLY): No.

SHRI K. YERRANNAIDU : They propose to enact a special law. Today, your Chief Minister made a statement, which you can read in the newspapers. After POTO, I will talk about that special legislation. What he said came out

in the newspapers today.

We are not against any religion or community or any group. This legislation is aimed at combating not only terrorism within the country but cross-border terrorism as well. Through this legislation we have to root out terrorism completely from our soil. This is the crux of the whole legislation. In this scenario we all together should pass this legislation.

Sir, TADA was enacted in 1985 and the provisions of this Act were extended till the year 1995. So, in all, this Act was in operation for ten years in this country. Everybody knows that this Act was misused. Even we had MISA in our country and we all know what happened consequently in the 1977 General Elections. MISA was misused by various State Governments and the people gave their verdict in the 1977 elections and the Janata Party Government came to power. So, if any State Government or the Central Government misuses a law, then people, who are always the better judges, would punish them in course of time.

Sir, this law also would have to be implemented by the State Governments. Presently, 15 States are ruled by Congress Governments, seven other States are ruled by regional political parties and only three States are ruled by the BJP Governments. So, we should have the will not to misuse this law and that the State Governments should take stern action against the culprits. If this law is implemented properly, then acts of terrorism would get largely reduced in our country. In the last 20 years, the Government of India has had to spend a sum of Rs. 45,000 crore for maintaining our Armed Forces. Today we are facing shortage of drinking water in our country; there is lack of all-weather roads and even there are no houses for our poor people. The acts of terrorism have rendered about six lakh people of our country homeless. We all have witnessed these things in our country. Under the circumstances, we have to unanimously pass this Bill to combat terrorism. If there is any misuse of this Act, then the people would teach those Governments a suitable lesson at the appropriate time.

Sir, everybody has been appreciating the efforts of the Maharashtra Government for their having implemented the MACOCA effectively. Although the number of cases registered under it is less, yet the conviction rate is 75 per cent. Even in our State, we are controlling organised crimes by implementing the provisions of a special legislation in this regard. We are achieving the desired results. If a law is found to be bad, then we could have a re-think about it at a later stage. Everything is in our hands. If any provision of the Act is found to be misused continuously, then it could be amended suitably or it could even be repealed altogether.

Sir, my party had given certain suggestions when this Prevention of Terrorism Ordinance (POTO) was issued. It related to the reduction of the period from five years to three years. We have to protect the Fundamental Rights of the people of our country and with a view to doing this we made a suggestion to amend Sections 38 and 14 of the Bill. The Cabinet took a decision to amend those two Sections and accepted the suggestions made by our party. So, we are supporting this Bill in toto that is being sought to be passed with a view to combating not only terrorism within the country but also cross-border terrorism. We are supporting this Bill as it is.

श्री मुलायम सिंह यादव (सम्भल) : उपाध्यक्ष महोदय, बहुत दुख के साथ हमें यहां कहना पड रहा है कि यह सरकार इतिहास से कोई सबक सीखने का प्रयास नहीं कर रही है क्योंकि प्रधान मंत्री जी अभी बैठे हुए थे, वह तत्काल ही चले गये, उनके बारे में कई बार कहा गया कि वह इस तरह की तीनों ऐतिहासिक बैठकों में शामिल रहे हैं, लेकिन फिर भी इस सरकार ने और प्रधान मंत्री जी ने कोई सबक लेने का प्रयास नहीं किया। जो सबक नहीं लेते, उनका इतिहास सबको पता है, वह खुद तो डूबते ही हैं और साथ में अपने सहयोगियों को भी डुबो देते हैं बहुत से समाचार पत्रों में प्रचारित किया गया कि पंडित जवाहर लाल नेहरू ने प्रधान मंत्री जी को आशीर्वाद दिया था कि वह एक अच्छे पार्लियामेन्टेरियन भी हैं और भविय में इस देश के बड़े नेता बनेंगे, प्रधान मंत्री तक बनेंगे। लेकिन क्या उन्होंने नेहरू जी के आदर्शो का पालन किया ? 1961 में पहली संयुक्त बैठक हुई जिसमें दहेज निोध विधेयक आया था, उस समय पंडित जवाहर लाल नेहरू यदि चाहते तो राज्य सभा में भी यह विधेयक पास हो जाता तथा संयुक्त बैठक की नौबत भी नहीं आती क्योकि संसद के दोनों सदनों का उन्हें प्रचंड बहुमत हासिल था । लेकिन उसके बाद भी नेहरू जी ने उस वक्त लोकतांत्रिक मर्यादाओं, परम्पराओं और नैतिकता का पालन करते हुए संसद का संयुक्त अधिवेशन बुलाया और एक मिसाल कायम की राज्य सभा ने दहेज निोध विधेयक वापस कर दिया था ।

14.00 hrs.

प. नेहरू ने संयुक्त बैठक में अपने सदस्यों पर जोर नहीं दिया । विधेयक के पक्ष अथवा विपक्ष में वोट करने की उन्होंने पूरी छूट और आज़ादी दे दी थी । लेकिन हम जानते हैं कि यह मिसाल कायम हुई। सहयोगी दल आज पोटो का समर्थन नहीं करना चाहते हैं, लेकिन भाजपा नेतृत्व प्रधानमंत्री सहयोगी दलों के सदस्यों पर भी द वाब देकर उनसे पोटो के पक्ष में मतदान करवा रहा है, मंत्री पद का लालच है, सुविधा का लालच है। जितने लोगों को मंत्री पद मिला हुआ है, उनको छोड़कर सहयोगी दलों के जितने भी माननीय सदस्य हैं, एक एक सदस्य हमसे कहते हैं कि हम पोटो का समर्थन नहीं करना चाहते, लेकिन मजबूरी है, व्हिप का पालन करना पड रहा है और पोटो के पक्ष में मतदान के लिये आज उनको मजबूर किया जा रहा है। इसलिए आज हम कहना चाहते हैं कि भारतीय जनता पार्टी के नेतृत्व पर हम ि वश्वास नहीं कर सकते क्योकि ये कहते कुछ हैं और करते कुछ हैं और लोकतांत्रिक परंपराओं की, मर्यादाओं की उम्मीद करना ही बेमतलब है ।

हम उम्मीद करते हैं कि अगर यह सरकार इतिहास से कुछ सीखे और सबक ले तो शायद अब भी मंत्री महोदय इस खतरनाक और दमनकारी विधेयक को वापस ले लें। इस कानून के पास होने के बाद यह कानून राज्य सरकारों के अधिकार में होगा। राज्य सरकार की पुलिस इसे लागू करेगी। राज्य सभा राज्यों का प्रतिनिधित्व करने वाला सदन है और राज्य सभा ने जब उसको अस्वीकार कर दिया है, बहुमत से गिरा दिया है तो सरकार को संसदीय परंपराओं और मर्यादाओं का पालन करना चाहिए था और सरकार को राज्य सभा की राय को मानना चाहिए था । मैं गृह मंत्री जी से कहना चाहता हूँ कि जब राज्य सभा राज्यों का प्रतिनिधित्व करती है और इस कानून के बन जाने के बाद राज्य सरकारें ही इसे लागू करेंगी, उसकी पुलिस लागू करेगी, लेकिन जब राज्य सभा ने इसको वापस कर दिया था तो आपको यहां

संयुक्त बैठक नहीं बुलानी चाहिए थी और राज्य सभा का जो भी अस्वीकार किया हुआ प्रस्ताव था, उसे मान लेना चाहिए था। अगर ज़रा भी लोकतांत्रिक परंपरा, मर्यादा और नैतिकता इस सरकार में होती तो उसको राज्य सभा के प्रस्ताव को मानना चाहिए था और संयुक्त बैठक नहीं बुलानी चाहिए थी लेकिन हम कह चुके हैं कि यह सरकार पूरी तरह से लोकतांत्रिक परंपराओं, नैतिकताओं और मान्यताओं को तिलांजलि दे चुकी हो तो उम्मीद भी क्या की जा सकती है ।

उपाध्यक्ष महोदय, 1919 के रोलेट एक्ट से ज्यादा खतरनाक और दमनकारी कानून पोटो है। जब रोलेट एक्ट लागू हुआ था, उस वक्त गांधी जी सहित देश के सभी नेताओं ने इसका तीखा विरोध किया था और इतना ज़बर्दस्त विरोध किया था कि गांधी जी ने पूरे देश में व्यापक आंदोलन एवं हडताल का आह्वान किया । रोलेट एक्ट के खिलाफ गांधी जी के निर्देश पर राट्रव्यापी आंदोलन हुआ ।

महोदय, 26 फरवरी, 1919 को महात्मा गांधी ने उस समय के संसद सदस्य प. मदन मोहन मालवीय जी को एक तार दिया था। उस में जो उन्होंने लिखा, उसमें से मैं कुछ उद्धृत कर रहा हूं - "मालवीय जी, आपको ईश्वर ने शरीर और मस्तिक में जितनी भी ताकत दी हो, उस पूरी ताकत का उपयोग कर इस काले कानून को संसद में पास होने से रोकिए। " यह उन्होंने 26 फरवरी, 1919 को रौलैट एक्ट के खिलाफ लिखा था और आज 26 मार्च, 2002 है - यानी 83 साल एक महीने के बाद आज फिर आप वैसे ही खतरनाक विधेयक संसद से पारित कराने हेतु एडी चोटी का जोर लगा रहे हैं । उस वक्त व्यापक विरोध हुआ था इसलिए आज हम जरूर चाहेंगे कि इस सदन में जितने भी लोग गांधी जी का नाम लेने वाले तथा रौलेट एक्ट में आस्था रखने वाले हैं, हम उनसे अपील करेंगें कि वे इसका विरोध करें। यदि हमारे विरोध के बावजूद यह विधेयक पारित हो गया, तो हम लोग जनता के बीच में जाएंगे। इसलिए मैं सभी गांधीवादियों का आह्वान करना चाहूंगा और निवेदन करना चाहूंगा कि वे सभी एकजुट होकर इसका विरोध करें। यदि आप सब मिलकर इसे यहां पास करा भी देंगे, तो इसका विरोध करने के लिए हमें देशव्यापी आंदोलन चलाना पड़ेगा।

माननीय गृह मंत्री जी, आप जानते हैं, आप चाहे कितना भी भरोसा दिलाएं, विश्वास दिलाएं, लेकिन इसका दुरुपयोग होगा। आपको मालूम ही है कि टाडा का कितना दुरुपयोग हुआ था। आपको याद होगा कि 1991 में एटा और बदायूं के बीच एक स्थान पर 11 सिक्ख तीर्थयात्रियों की किस तरह से हत्या की गई थी। आप मौके पर गए थे। आपने स्वयं देखा है। पुलिस किस प्रकार से कार्रवाई करती है। वे पंजाब के आतंकवादी नहीं थे। अभी सोमनाथ जी ने 16 साल के एक बच्चे का जिक्र किया कि किस प्रकार उसे टाडा में गिरफ्तार किया गया। हम लोगों ने आपको बताया था कि 12 र्वा के एक लड़के पर किस प्रकार से टाडा लगाया गया था और उसे टाडा के अंदर पीलीभीत जेल में बन्द किया गया था। उस समय हमने इसकी जांच कराई, उ.प्र. अल्पसंख्यक आयोग के चेयरमैन श्री अहमद हुसैन को पीलीभीत जेल में मौके पर भेजा था और पीलीभीत जेल से उस लडके को रिहा कराया था। उस समय अकाली दल के नेता श्री तोहडा साहब वहां गए थे। उन्होंने बयान भी हमारे और हमारी सरकार के पक्ष में दिया था । आपकी सरकार के जमाने में हत्याएं हुईं, लेकिन जब हमने अपने समय में टाडा में बन्द 1152 में से 1141 को रिहा किया तो उ.प्र. ा. के तराई क्षेत्र का उग्रवाद ही समाप्त हो गया था ।

महोदय, मैं बताना चाहता हूं कि उत्तर प्रदेश में तराई के इलाके में सिक्ख भाइयों ने इतनी मेहनत कर के जमीन का विकास किया है कि आज वहां की स्थिति यह हो गई है कि पंजाब से ज्यादा पैदावार वहां की जमीन दे रही है। उस वक्त हमने टाडा में बन्द तमाम लोगों को रिहा किया था। जब आपकी सरकार थी और आपने टाडा लगा रखा था तब निर्दो सिक्खों को जेलों में भेजा जा रहा था जबकि वे उग्रवादी नहीं थे। उनके पैट्रोल पम्प उखाड़े जा रहे थे। लेकिन हमारी सरकार आने पर और हमारे द्वारा टाडा में बन्द लोगों को रिहा करने के बाद उत्तर प्रदेश में उग्रवाद खत्म ही हो गया था। इसलिए आप सदन में कितना भी कहते रहें, कि दुरूपयोग नहीं होगा लेकिन जब यह कानून यहां से पास हो जाएगा और जब पुलिस के हाथों में कानून चला जाएगा, तो फिर आप हस्तक्षेप नहीं कर पाएंगे। फिर आप इसे राज्य का मामला कहकर टाल देंगे। हम जानते हैं। हमारे सहयोगी अभी बोलकर गए थे, जिनसे कि हम वैसी उम्मीद नहीं कर सकते थे। आज वर्तमान रक्षा मंत्री जॉर्ज साहब और श्री जनेश्वर मिश्र यहां बैठे हुए हैं। वे जानते हैं, हम भी जानते हैं, इलाहाबाद के एक कलैक्टर की नाराजगी पर 1966 में श्री जनेश्वर मिश्र को 11 महीने के लिए डी.आई.आर. में उन्हें जेल में डाल दिया गया था। जब-जब इस तरह के कानून लाये जाते हैं तो हमेशा देश हित की बात सामने रखी जाती है। देश हित की बात कहकर कितने लोगों पर जुल्म हुए हैं, यह सबको पता है। जो महान देशभक्त हैं, आजादी की लड़ाई के शानदार नेता थे 1962 में चीन के युद्ध के बाद जब इस तरह के देश हित में कहकर कानून लाये गये, उनका दुरुपयोग करके डा. राम मनोहर लोहिया, श्री कर्पूरी ठाकुर और श्री रामानंद तिवारी और राजनारायण जी जैसे देशभक्त और नेताओं को जेल में डाल दिया । हमने जनेश्वर मिश्र जी का उदाहरण दिया कि 1966 में वे 11 महीने डी.आई.आर. के तहत जेल में डाले गये। उनको कब छोड़ा गया - जब विजय लक्ष्मी पंडित 1966 में फूलपुर इलाहाबाद से चुनाव लड रहीं थी तथा श्री जनेश्वर मिश्र जी ने जेल से ही उनके खिलाफ अपना पर्चा दाखिल कर दिया था । वहां की जनता में जनेश्वर मिश्र को जेल में डालने के खिलाफ क्रोध था और मतदाता श्री जनेश्वर मिश्र जी के पक्ष में हो रहे थे, उस वक्त विजय लक्ष्मी पंडित जी ने श्री मिश्र को जेल में डालने का विरोध किया और जनता के आक्रोश को देखते हुए उ.प्र. की सरकार को श्री जनेश्वर मिश्र जी को जेल से रिहा करना पडा । जितने भी काले कानून बने हैं तब तब उनका दुरूपयोग हुआ है । गोधरा की घटना की सबने निंदा की है। हम आज फिर इसकी निंदा को दोहराना चाहते हैं कि जितना जघन्य अपराध हो सकता है, वह हुआ है लेकिन उसके बाद जो बदले की भावना से निर्दोश लडके लड़कियों, बूढे, जवानों के साथ और निर्दोश मुसलमानों के साथ जो जुल्म और अत्याचार किया गया, वह गोधरा कांड से ज्यादा खतरनाक है।

मैं कहना चाहता हूं कि जिन 62 लोगों पर गोधरा में टाडा कानून लगाया गया, वे कौन थे ? वे सारे के सारे मुसलमान हैं। आज उनको रिहा किया गया है। उनको इसलिए रिहा किया गया क्योंकि आज संयुक्त बैठक थी और उसकी संसद में आलोचना होती । आपको इस कानून को संसद में पास करना था और इस आलोचना से बचना था इसलिए पोटा कानून वापिस लिया । दूसरा गलत कार्य यह किया कि कुछ निपक्षता से कार्य करने वाले अधिकारियों के स्थानांतरण गुजरात की सरकार ने कर दिये, भाजपा के लोगों तथा विश्व हिन्दु परिद व बजरंग दल के दोाी व्यक्तियों के विरूद्ध वे अधिकारी कार्यवाही करने वाले थे जिन्होने दंगा-फसाद और हत्याएं करने में, चाहे विश्व हिन्दू परिद के नाम पर या बजरंग दल के नाम पर, हिस्सा लिया था । उनके खिलाफ कठोर कार्यवाही होने वाली थी । इसी वजह से उन अधिकारियों को स्थानान्तरित किया गया । इसलिए हम आपसे कहना चाहते हैं कि आपके इस आश्वासन पर भरोसा इसलिए नहीं किया जा सकता कि अभी हाल में गोधरा में केवल मुसलमानों पर पोटो का दुरूपयोग किया गया । संविधान लागू होने के तत्काल बाद ही जब इसका दुरूपयोग हुआ तो उस वक्त डा. श्यामा प्रसाद मुखर्जी ने इस कानून का विरोध किया था। डा. श्यामा प्रसाद मुखर्जी ने यहां तक कहा था और मैं संसद में उन्हीं के द्वारा दिया गया भााण आपके सामने यहां रखना चाहता हूं, 13 फरवरी, 1951 को अस्थायी सदन में नजरबंदी निवारक कानून के 10 माह पूरे होने पर डा. श्यामा प्रसाद मुखर्जी के भााण के कुछ अंश हम गृह मंत्री जी आपके सामने रख रहे हैं। यद्यपि वे कम्युनिस्टों के विरोधी थे लेकिन उन्होंने अपने भााण में उनके समर्पण और राट्र भक्ति को कभी चुनौती नहीं दी। "उन्होंने विधेयक पेश करने वाले सरदार पटेल को ललकारते हुए कहा कि आप साम्यवाद को केवल निवारक नजरबंदी कानून से रोक नहीं सकते। देश में व्याप्त अराजकता को भी इस कानून से नहीं रोक सकते। सरकार और देश में व्याप्त अराजकता को तभी रोक सकती है जब इस बात के लिए जिम्मेदार लोगों के दिमाग में जो बर्बादी और अराजकता की ओर जा रहे हैं, उसे नहीं रोक पा रहे हैं, सरकार देश की आर्थिक बर्बादी और अक्षम प्रशासन इसके लिए जिम्मेदार है। जब तक जनता को भरोसा न हो कि हम देश की उन्नति के लिए संकल्पबद्ध हैं, इस स्थिति को नियंत्रण नहीं किया जा सकता। जनता को संसद ने एक प्रेरणादायक संदेश और भरोसा देना होगा। ि वचारों के दूर तक दमन से समस्याएं गंभीर होंगी। उन्होंने ये शब्द कहे थे।" माननीय गृहमंत्री जी उन्हीं के नाम पर आज जनसंघ की स्थापना के नाम पर या भारतीय जनता पार्टी स्थापना के नाम से 50 साल की स्वर्ण जयंती मना रहे हैं लेकिन जब आप आज अपने आदर्श डा. श्यामा प्रसाद मुखर्जी के खिलाफ जा सकते हैं तो आपके ऊपर कौन भरोसा करेगा। इसलिए आपके ऊपर भरोसा नहीं किया जा सकता। इसका दुरुपयोग होगा, यह सही है। इसे मुसलमानों के खिलाफ और अपने राजनीतिक विरोधियों के खिलाफ इस्तेमाल करेंगे। इस सरकार में स्वयंसेवक संघ प्रचारक बहुत बडे और महत्वपूर्ण उच्च पदों पर बैठे हैं, उनकी मानसिकता, उनका दृटिकोण मुसलमानों के बारे में क्या है, ईसाईयों के बारे में क्या है, अल्पसंख्यकों के बारे में क्या है, यह सब जानते हैं। किसी से छिपा नहीं है । इसलिए कौन उम्मीद कर सकता है, कौन विश्वास कर सकता है, कोई विश्वास नहीं कर सकता कि आप दुरुपयोग नहीं करेंगे। उनकी मानसिकता को भी नहीं बदला जा सकता, यह ताजा उदाहरण है। इसलिए पोटो जैसा कानून जो स्वयं में एक खतरनाक कानून है वह गलत हाथों में पहुंच जायेगा तो इस देश का भगवान ही मालिक है । गुजरात के अंदर

दंगा-फसाद, आगजनी, हत्याएं हुई थीं तब दर्जनों टेलीफोन अहमदाबाद के लोगों को मिले थे । हम परेशान थे। लोकसभा में भी हमने इसका जिक्र किया था। 28 फरवरी को प्रधान मंत्री जी को हमने टेलीफोन किया,गृहमंत्री जी आपसे फोन पर बात नहीं हो सकी । हमारी प्रधान मंत्री जी से बात हुई थी।

उसके बाद दूसरे दिन 1 मार्च को श्री अमर सिंह, श्री राज बब्बर, भारतीय कम्युनिस्ट पार्टी के नेता श्री सीताराम येचुरी और बहन श्रीमती शबाना आज़मी जब अहमदाबाद गए और जब अमरसिंह ने जाते ही मुख्य मंत्री जी को टेलीफोन किया तो मुख्य मंत्री जी ने कहा कि आपके विचार और दृटिकोण क्या हैं - सभी जानते हैं और आपके चेहरे को गुजरात की जनता और हमारे लोग अच्छी तरह जानते हैं, इसलिए हम आपकी जान की कोई हिफाजत नहीं कर सकते। आप अगर ऐसे इलाकों में जाएंगे जहां दंगा है, हत्याएं या आगजनी हो रही है, हम आपकी सुरक्षा नहीं कर सकते। जो संघ परिवार का प्रचारक रहा हो, संघ परिवार को चलाने वाला हो, जो आज गुजरात के मुख्य मंत्री है, वे श्री अमर सिंह और उनके साथियों से यदि फोन पर यह बात कहें तो आप सोचिए कि आप मुसलमानों या उनको न्याय दिलाने की बात कहने वालों के खिलाफ किस सीमा तक जा सकते हैं।

श्री फर्नान्डीज यहां बैठे हैं। अगर 1975 में मीसा के स्थान पर पोटो होता, तो रक्षामंत्री श्री फर्नान्डीज, उनके साथी बैठे हुए हैं, आज इस दुनिया में नहीं होते । इससे सबक लेना चाहिए था लेकिन अभी आप सबक नहीं ले रहे हैं। इसलिए माननीय गृह मंत्री जी, हम कहना चाहते हैं कि आतंकवाद पोटो से नहीं रोका जा सकता। हम दोहराना नहीं चाहते लेकिन अभी श्री सोमनाथ जी ने सब उदाहरण दिए, चाहे1 अक्टूबर कश्मीर की विधान सभा पर हमला हुआ हो, चाहे 13 दिसम्बर संसद पर आतंकवादियों का हमला हुआ हो। आपके जानते हुए भी संसद पर हमला हुआ। लेकिन पोटो से आतंकवाद को नहीं रोका जा सकता क्योंकि यह सीमा पार से प्र ायोजित किया जा रहा है। जो लोग विदेशी पैसे से यहां आतंकवाद का खुल्लम-खुल्ला नंगा नाच कर रहे हैं, हत्याएं कर रहे हैं, उनको आपने बिना मुकदमा चलाए ही कंधार वापिस कर दिया, आपने उन आतंकवादियों को बाकायदा ससम्मान जहाज में बिठा कर एक बड़े मंत्री के साथ विदेश में वापिस कर दिया। आपने हुर्रियत जैसे संगठन के नेताओं को बिना शर्त रिहा किया, आज वही देश के लिए परेशानी पैदा कर रहे हैं और उनके बहाने पर पोटो कानून लागू किया जा रहा है। क्या आप आज तक उन विदेशी आतंकवादियों पर पोटो कानून लागू कर सकें ?

आप कई संगठनों से बात कर रहे हैं। आप युद्धविराम के नाम पर नागालैंड के नंग उग्रवादियों से विदेशों में बातचीत कर रहे हैं, बैंकाक, हॉलैंड में कर रहे हैं, लेकिन हिन्दुस्तान के जो नौजवान गलत रास्ते पर चले गए हैं, उनसे बात क्यों नहीं करते। उनसे बातचीत नहीं करेंगे, ये कुछ लोगों से ही बातचीत करेंगे। ठीक है, हमारे देश के पढ़े-लिखे बहुत से लड़के डाक्टर, इंजीनियर या लॉ के विद्यार्थी आज भृमित होकर गलत रास्ते पर चले गए हैं, उनसे बात क्यों नहीं करते हैं । हो सकता है कि कुछ सिनी के लडके भी भृमित होकर गलत रास्ते पर चले गए हों, उनसे बातचीत क्यों नहीं की ? हमारी राय है उनसे बात करनी चाहिये । इसलिए आपकी निपक्षता पर कोई भरोसा नहीं किया जा सकता कि आप निपक्ष होकर कोई काम करेंगे। इस कानून को लागू करके आप किसी तरह निर्दो नागरिकों को बचाएंगे या उन पर यह लागू नहीं होने देंगे। खैर, यह आपके हाथ की बात नहीं होगी।

यदि सही मायने में पूछा जाए तो मैं सदन के सब माननीय सदस्यों से कहना चाहूंगा कि यह पोटो कानून आतंक विरोधी कानून नहीं है, यह आतंकवादी कानून है और इससे अल्पसंख्यकों को आतंकित किया जाएगा। मेंने शुरू में कहा और आज फिर कह रहा हूं कि जो विपक्ष के नेता हैं, उन्हें इनकी आलोचना करने से, इनका विरोध करने से रोका जायेगा। जो इनको बेनकाब करेंगे, उनके खिलाफ यह इस्तेमाल किया जायेगा। जरा भी कोई दरोगा, कोई एस.पी. या कलैक्टर के खिलाफ भी हो जायेगा तो उसको भी पोटो कानून में अन्दर जाना होगा । मैंने कई बार समाजवादी पार्टी नेता सतीश फौजी का उदाहरण दिया । उत्तर प्रदेश में बनारस के अन्दर एक सतीश फौजी ने वहां के जिला प्रशासन के खिलाफ आन्दोलन खड़ा किया, क्योंकि किसानों की जमीन पर बिना मुआवजा दिये जबरदस्ती कब्जा किया जा रहा था। उसके खिलाफ आन्दोलन करने की वजह से आज वह बनारस की जेल में रासुका में बन्द है। जब स्वतंत्रता संग्राम सेनानी का निधन हुआ और उसके बूढ़े बाप ने अपने बेटे को अन्तिम समय पर देखने की इच्छा व्यक्त की तो तमाम लोगों ने कहा, हमने भी कोशिश की, लेकिन स्वतंत्रता संग्राम सेनानी के बेटे को अपने बाप से नहीं मिलने दिया गया। जिन्होंने आजादी की लड़ाई में शानदार भूमिका निभाई थी, वह अपनो पुत्र को अन्तिम समय पर नहीं देख सके। जब उनका निधन हो गया तो वहां के तमाम स्वयंसेवी संगठन, तमाम राजनैतिक पार्टियों ने दबाव दिया तो केवल चार घंटे के लिए दाह संस्कार करने के लिए सतीश फौजी को छोड़ा गया और चार घंटे के बाद आज भी वह बेगूनाह बनारस की जेल में बन्द है। मैं गृह मंत्री जी से कई बार कह चुका हूं, पहले भी आपकी पार्टी के मुख्यमंत्री थे, आज भी इन्हीं के राज्यपाल जी हैं, लेकिन अभी तक एक दिन भी गृह मंत्री जी ने उस पर न गम्भीरता से ध्यान दिया और न पूछा। मैंने सदन के माध्यम से अपील भी की थी और प्र ार्थना भी की थी कि आप कम से कम उन्हें पूछें कि सतीश फौजी आज तक जेल में बन्द क्यों है।

14.20 hrs. (Hon. Deputy Chairman Rajya Sabha in the Chair)

आज हम इतना जरूर कहना चाहेंगे कि मा. गृहमंत्री जी ने यद्यपि अमेरिका का उदाहरण दिया, फ्रांस का उदाहरण दिया, जर्मनी का उदाहरण दिया, आपने कानून के बारे में तो उनकी नकल की, लेकिन और बातों के बारे में कहां नकल की। जब 11 सितम्बर को अमेरिका पर आतंकवादियों का हमला हो गया तो अमेरिका ने पूरे के पूरे उनके जितने भी नेता स्वयं बुश साहब से लेकर जितने वरिठ नेता थे, इंग्लैंड के नेता या और उनके सहयोगी, फ्रांस के नेता थे, पूरी की पूरी दुनिया में अपना पक्ष रखने के लिए गये और मुस्लिम देशों में गये, चीन में भी गये। लेकिन 13 दिसम्बर के बाद, आपने कई मंचों से और लोक सभा के अन्दर भी हमने कहा कि राट्रीय एकता परिाद की बैठक बुलाइये, आतंकवाद पर चर्चा हो जाये कि हमें सब को मिलकर क्या करना चाहिए, लेकिन आपने राट्रीय एकता परिाद की बैठक नहीं बुलाई। आप और बातों में तो अमेरिका की नकल कर रहे हैं, लेकिन जब अमेरिका ने पूरे का पूरा समर्थन पूरी दुनिया का ले लिया, उसके बाद उन्होंने जाकर अफगानिस्तान में तालिबान पर हमला किया, लेकिन आप 13 दिसम्बर के बाद अभी तक दुनिया के देशों को विश्वास में लेना तो दूर रहा, आपकी हिन्दुस्तान की पार्टियों को और हिन्दुस्तान के कई स्वयंसेवी संगठनों को, बुद्धिजीवियोंको और जो पूरे के पूरे साथ देने वाले थे, उनको भी विश्वास में नहीं लिया। दुनिया में आप जितनी बात कहें कि हमारा सम्मान बढ़ा है, हमारा महत्व बढ़ा है, हमें विश्वास मिला है, लेकिन आज इस संकट की घड़ी में पूरे दिल के साथ इस दुनिया का एक भी देश आपके साथ नहीं है, आपने ऐसी जगह देश को ले जाकर रखा है।

आज गुजरात के अन्दर जो भी हो रहा है या जबरदस्ती अयोध्या के अन्दर प्रवेश कर जाना और प्रवेश करने के बाद विश्व हिन्दू परिाद के लोग कहें कि हम प्रवेश करेंगे और अब भी चुनौती दी जा रही है कि कोर्ट का कोई फैसला हो, न्यायालय का कोई फैसला हो, हम इस जमीन पर जबरदस्ती कब्जा करेंगे, वे कौन लोग हैं? आप कहेंगे कि विश्व हिन्दू परिाद के लोग हैं, कभी कहेंगे कि बजरंग दल के लोग हैं और हम कई बार पूछ चुके हैं, लेकिन आज कम से कम इसी सदन के अन्दर बता दीजिए कि चिन्मयानन्द स्वामी किस दल के लोक सभा के मैम्बर हैं।

विनय कटियार जी किसके हैं, स्वामी आदित्यनाथ जी किसके हैं - ये माननीय सदस्य लोक सभा में किस दल के सदस्य हैं, आप इन्हें विश्व हिन्दू परिाद के कहेंगे या बजरंग दल के कहेंगे। इस तरह आप देश को अनुचित तरीके से नहीं चला सकते। अगर देश को चलाना चाहते हो, अगर हमें विश्वास में लेते, हमें विश्वास दिलाते और संसद के सभी राजनीतिक दलों को विश्वास में लेते कि आप आतंकवाद के खिलाफ यह कानून लाए हैं, तो सर्वसम्मति से यह पास हो जाता, कोई विरोध नहीं करता। अभी भी हमारे बहुत से साथी दुविधा में हैं। लेकिन हम दुविधा में नहीं हैं। हम आपको जानते हैं। हमने 1986 से लगातार भारतीय जनता पार्टी और आपके जितने भी संगठन हैं, उनको देखा है और भुगता है। इसलिए हम जानते हैं कि आप क्या करना चाहते हैं। आपके सहयोगी दल अभी नहीं जानेंगे, बाद में जान जाएंगे। लेकिन देश की जनता आपको ऐसा मौका कभी नहीं देगी कि अकेले भारतीय जनता पार्टी केन्द्र में सरकार बना सके। अगर ऐसा हो गया तो इस संसद के अंदर इनके सहयोगी दलों को और येरननायडू जी को भी पता चल जाएगा। इसलिए हम कहना चाहते हैं कि और किसी का हो या न हो, भारतीय जनता पार्टी के बारे में हमारा दिमाग साफ है। आपने राट्रीय एकता परिाद में क्या विश्वास दिलाया था, आपने सुप्रीम कोर्ट में क्या हलफनामा दिया था, उसके बाद से ही हमारा और आपका टकराव हुआ था, जो आज भी जारी है। आपने उस वक्त यहीं पर कहा था, आपको याद हो या न हो, लेकिन यहीं पर आपने कहा था कि हमारी रथयात्रा पर आपके द्वारा गोली

चलाने से हमें बड़ा लाभ हुआ है। गृह मंत्री जी आपने कहा था, अगर आपको याद हो, यहीं पर ठीक सामने, जहां आप बैठे हैं। हमने भी तब कहा था कि लाभ हुआ है, लेकिन हमने राजनीति नहीं की है। देश की एकता और अखंडता के लिए मजबूरी में सरकार को गोली चलानी पड़ी। मैंने तब भी कहा था, आज भी कह रहा हूं कि देश की खातिर तब 16 जानें गई थीं। हमें इसकी खुशी नहीं है, पीड़ा है, दुख है, लेकिन हम जानते हैं कि देश के सामने, देश की खातिर हमने कोई शंकराचार्य नहीं देखा, जिनको हमने गिरफ्तार किया था। देश की खातिर 16 जानें तो कम हैं, 32 जानें भी चली जाएं, तब भी देश की कीमत नहीं लगाई जा सकती। यह है हमारा दृटिकोण। इसलिए हम आपको जानते हैं, हमने देखा है और भुगता है। लेकिन आप हमें कहते हैं कि हम राजनीति कर रहे हैं। अभी हम दोहराना नहीं चाहते, हमने सुबह भी कहा था कि आप अंग्रेजी में न बोलें। सारे देश की जनता उसको नहीं समझ पाती है। गांव के लोग आज टी.वी. में देख रहे होंगे, आप देशी भााा में ही बोले। अगर खुश करना ही है तो आप तमिल में बोलते, मलयालम में बोलते या अन्य किसी भारतीय भााा में बोलते। लेकिन आप तो विदेशी भााा में बोले। जो राजभााा की उपेक्षा करेंगे, वे राजभााा का सम्मान नहीं कर सकते, वे देश का सम्मान नहीं कर सकते और न कर पाएंगे। यहां पर तमाम पीछे से आवाजें आने के बाद भी आप हिन्दी में नहीं बोले। हमने कहा था कि आप हिन्दी में बोलिए, कानून मंत्री जी अंग्रेजी में बोल लेंगे। लेकिन आप सब राजभााा में बोलने से कतरा गए। आपके केबिनेट स्तर के मंत्री उत्तर प्रदेश में जाकर वोट मांगते हैं और कहते हैं कि जो पोटो का विरोधी है, वह देशविरोधी है, देशद्रोही है। आपको वहां सबक मिल गया, पोटो के नाम पर वोट मांगे थे, कितने जीतकर आए, पहले आपके वहां 178 विधायक थे और अब सिर्फ 88 ही रह गए हैं। अब यह साफ हो गया कि हम राजनीति कर रहे थे या आप कर रहे थे। अब आप वहां चुनौती दे रहे हैं कि मुलायम सिंह को मुख्य मंत्री नहीं बनने देंगे। आपने वहां पर बी.एस.पी. से समझौता कर लिया है।

प्रधान मंत्री जी से अपने प्रतिनिधि के लिए डिप्टी चीफ मिनिस्टर पद की मांग कर रहे हैं।â€¦ (व्यवधान) हम तो मुख्य मंत्री तब बनेंगे, जब आपको 15 से लेकर 20 की हैसियत पर ला देंगे और जब भी चुनाव होगा, ला देंगे। हम मुख्य मंत्री नहीं बनना चाहते हैं। हम खरीद फरोख्त करके मुख्य मंत्री नहीं बनना चाहते हैं। हम उत्तर प्रदेश को न लूटेंगे और न सौ-सौ मंत्री बनाकर लूटने देंगे - यह हमारी नीति है। आपने उत्तर प्रदेश को बर्बाद कर दिया है। आपने उत्तर प्रदेश को हिन्दुस्तान में सबसे पीछे कर दिया है। इसका एक साल, दो साल के बाद पता चलेगा जब आप पैदल सड़कों पर नहीं चल सकते। वहां बिजली नहीं, पानी नहीं है। आपने पूरा उत्तर प्रदेश सौ मंत्रियों की फौज लाकर बर्बाद किया है। इसलिए हम मुख्य मंत्री बनने के इच्छुक नहीं हैं। मुख्य मंत्री बनेंगे तो छोटा मंत्री-मंडल होगा, फिजूलखर्ची पर रोक लगेगी, बेईमानी पर रोक लगेगी। हम बेईमानों, गरीबी, बेरोजगारी और माफियाओं के खिलाफ हल्ला बोलेंगे। हमने एक भी माफिया को टिकट नहीं दिया है, मुझे फख्र है लेकिन बीजेपी ने माफियाओं को टिकट दिया है और जिन्होंने माफियाओं को टिकट दिया है, रुपया लेकर आप उनके साथ समझौता कर रहे हैं, उप-राट्रपति के नाम पर आप समझौता करते हैं, आप दलाली करते हैं और हमसे कहते हैं आप सौदा करते हैं। हम सौदा नहीं करते हैं। हम राजनीति नहीं करते हैं। देश की खातिर हम उन निर्दो नागरिकों पर और राजनैतिक विरोधियों के खिलाफ सरकार पोटो कानून का इस्तेमाल करेंगे, कराएंगे। अगर राजनीति करने वाले थे तो

अभी सोमनाथ चटर्जी जी ने कहा कि क्या मानवाधिकार आयोग ने गुजरात में हो रहे जुल्म और अत्याचार को देश के समक्ष प्रस्तुत किया तो वह राजनीति कर रहा है ? मानवाधिकार आयोग के अध्यक्ष जो भारत के सर्वोच्च न्यायालय के चीफ जस्टिस रह चुके हैं, क्या वह राजनीति कर रहे हैं ? क्या दिल्ली उच्च न्यायालय के चीफ जस्टिस ने पोटो के बारे में जो लिखा है और बोला है कि यह कानून दमनकारी है, यह कानून जंगली है, यह बोला है कि इसका दुरुपयोग होगा तो क्या वह राजनीति कर रहे हैं? न ही मानवाधिकार आयोग और न भूतपूर्व चीफ जस्टिस जी राजनीति कर रहे हैं और न दिल्ली उच्च न्यायालय (भू.पू.) के चीफ जस्टिस जिन्होंने इसका ि वरोध किया है, वह राजनीति कर रहे हैं। एक नहीं अनेकों कानूनवेत्ताओं ने इसका विरोध किया है और हम इसलिए विरोध कर रहे हैं क्योंकि इस कानून का प्रयोग निर्दो नागरिकों के खिलाफ और अपने राजनैतिक विरोधियों के खिलाफ किया जाएगा।

माननीय गृह मंत्री जी ने अपने भााण में कहा कि अगर मौलिक अधिकारों का हनन होगा तो आप न्यायपालिकाओं में जा सकते हैं। आपकी बगल में कानून मंत्री जी बैठे हैं, जरा पूछिए कि आपके सुप्रीम कोर्ट में बड़े-बड़े वकील हैं और हमने देखा है और एकाध को सुना है और मुझे मिले भी हैं। मुम्बई में दो लोगों के बारे में हम जानते हैं कि कम से कम दस लाख रुपया पैरवी में खर्च हुआ है तब जाकर वे छूटे हैं और जो सुप्रीम कोर्ट में आए हैं, वे ससम्मान छोडे गये हैं। जिनके पास दस लाख रुपया नहीं था, जिनकी पैरवी नहीं थी, जिनके प्रभावशाली समर्थक, मददगार नहीं थे, वे निर्दो मुस्लिम नौजवान लड़के जेल में पड़े सडते और अपनी पत्नियों को बुलाकर कहा कि हमारा कोई भरोसा नहीं है। उनसे कह दिया कि जाइए, दूसरी शादी करो और उनमें तीन लड़कियों ने दूसरी शादी कर ली। बाकी लड़कियों ने शादी नहीं की।â€¦ (व्यवधान) "टाडा" में निर्दो लोग बंद किये गये। 77000 "टाडा" में उस वक्त बंद हुए थे चाहे सरकार किसी की रही हो। उसमें केवल डेढ़ फीसदी को ही सजा हुयी ।

श्री विनय कटियार (फैज़ाबाद) : कांग्रेस नेâ€¦ (व्यवधान) इसके मायने आप गलत थे।â€¦ (व्यवधान)

उप सभापति महोदय (राज्य सभा) : बैठ जाइए। उनको अपनी बात करने दीजिए। आपका समय जब आएगा तब आप भी बोलिएगा। बीच-बीच में रोकाटोकी नहीं चाहिए।

श्री मुलायम सिंह यादव : समय का पालन करूंगा। आपकी घड़ी फास्ट है, हमारी पीछे है। लेकिन कांग्रेस की नेता ने स्वयं "टाडा " की आलोचना की है। क्या आपमें हिम्मत है? 1975 में कांग्रेस ने मीसा लगाया उसका परिणाम कांग्रेस भुगत रही है और आज तक विपक्ष में बैठे हैं । वे राजपाट कर रहे हैं। आप भी हसेंगे। फिर आप जिंदगी में सत्ता में नहीं आ सकते जब "पोटो " का दुरुपयोग होगा। अफसोस के साथ कहना पड़ता है कि पोटो के नाम पर भारतीय जनता पार्टी की सरकार तथा माननीय गृह मंत्री जी और माननीय प्रधान मंत्री जी, ने देश को दो हिस्सों में बांटा है। अधिकांश जनता पोटो के खिलाफ है। एक हिस्सा पोटो का समर्थक है । आपको कोई रास्ता निकालना चाहिए था और इस पोटो को वापिस लेना चाहिए था। आज देश संकट में फंसा है, देश को एक रखने की जिम्मेदारी भाजपा सरकार की है । जार्ज साहब, 1975 में अगर यह पोटो कानून होता, तो आप यहां संसद में नहीं होते। â€¦ (व्यवधान)

रक्षा मंत्री (श्री जार्ज फर्नान्डीज़) : वे वहां बैठे हैं। â€¦ (व्यवधान)

श्री मुलायम सिंह यादव : ये यहां बैठे हैं, तो आप भी बैठेंगे। हम उनका समर्थन नहीं कर रहे हैं। हाँ जार्ज फर्नानडीज ठीक कहते हैं कांग्रेस सरकार ने 1975 में हमको भी 19 महीने जेल में डाला था, हम कोई बाहर नहीं थे। चन्द्रशेखर जी कांग्रेस में थे। इन्होंने तो इन्साफ की बात कही । याद रखिएगा, मा. चन्द्रशेखर जी को कांग्रेस में रहते हुए, राज्य सभा के मैम्बर होते हुए, कांग्रेस सरकार ने 19 माह के लिए जेल में डाला था । फासिस्टवादी ताकतें, आप भले ही सरकार में रहे, आपको भी जेल में डाला जा सकता है। यह पोटो कानून गलत और कमजोर हाथों में किसी के भी खिलाफ इस्तेमाल किया जा सकता है । â€¦ (व्यवधान) आप सबक सीखिए। चन्द्रशेखर जी को पार्टी में रहते हुए जेल में डाला जा सकता है, तो आप भी नहीं बच पायेंगे। हम अब भी आपसे कहेंगे कि पोटो को लेकर देश का बंटवारा मत करिए। आज भारतीय संसद की बहस केवल पूरा देश ही नहीं देख रहा है, सारी दुनिया सुन रही है और सारी दुनिया की निगाहें भारतीय संसद पर लगी हुई हैं । आज हिन्दुस्तान दो हिस्सों में बंट गया है. एक वे लोग हैं जो पोटो का विरोध करके लोकतंत्र को बचाने के पक्ष में हैं, और एक वे लोग हैं, जो पोटो का समर्थन कर लोकतन्त्र का गला घोंट रहे हैं। इस बहस को आज पूरी दुनिया देख रही है। हिन्दुस्तान विश्व का सबसे बड़ा लोकतान्त्रिक देश है। यहां एक वे लोग हैं, जो लोकतन्त्रिक व्यवस्था को बचाना चाहते हैं और एक वे लोग हैं, जो लोकतान्त्रिक व्यवस्था को खत्म करना चाहते हैं। इसलिए हम चाहते हैं कि आप ऐसा कोई रास्ता निकालिए, जिससे पोटो वापिस लिया जा सके। पोटो वापिस लेकर पूरे देश को विश्वास में लीजिए। IPC और CrPC इतना कठोर कानून हैं, उनके तहत कड़ी से कडी सजा देने का प्रा वधान है । 1977-78 में जब जनता पार्टी की सरकार बनी तो गृह मंत्री जी, रक्षा मंत्री, एवं प्रधानमंत्री जी आप सब मंत्रिमंडल में थे । कानून-व्यवस्था की हालत बिगड़ी और चरमराने लगी । एक फौज के अधिकारी, श्री चौपड़ा, के दो अबोध बच्चों की अपहरण कर हत्या की गई। इस सनसनीखेज घटना से दिल्ली ही नहीं पूरा देश थर्रा

उठा ।दिल्ली पुलिस ने तत्कालीन गृहमंत्री चौधरी चरणसिंह एवं प्रधानमंत्री मोरारजी देसाई को कडे कानून बनाने को राजी कर लिया। क्या कैबिनेट ने उस प्रस्ताव को अस्वीकार नहीं किया? कैबिनेट में क्या गृहमंत्री जी, रक्षामंत्री जी तथा प्रधानमंत्री जी आप मंत्री नहीं थे । श्री मोरारजी देसाई द्वारा जो कानून लाया गया, उसको वापिस किया गया। उसके बाद रंगा-बिल्ला को IPC कानून के अन्तर्गत फांसी दी गई। पुलिस अपने परिश्रम से बचने के लिये और अधीनस्थ पुलिसकर्मी निर्दोश लोगों को फसाने के नाम पर पैसा लेने के लिये निजी दुश्मनी में फंसाने लगते हैं । पोटो से पुलिस की कमाई होगी. पुलिस को मेहनत नहीं करनी पड़ेगी। पुलिस और जिला प्रशासन के खिलाफ किसी की बोलने की हिम्मत नहीं होगी। IPC और CrPC के द्वारा बहुत लम्बे समय तक अंग्रेजों ने राज किया। मैं आपको उदाहरण दे रहा हूं, रंगा-बिल्ला को भी IPC और CrPC के तहत फांसी लगाई गई । आप पूरे देश में पिछड़ापन नहीं रोक सके, बिजली नहीं दे सके और गरीबी नहीं रोक सके । रोजगार के अवसर पूरे के पूरे देश में बंद कर रहे हैं। विदेशी कम्पनियों का पूरा का पूरा नियन्त्रण है। देश की अर्थ-व्यवस्था विदेशी कम्पनियों एव धनी देशों के चंगुल में फंस गई है, केन्द्र सरकार हर मोर्चे पर विफल हो गयी है । इसकी आलोचना से बचने के लिए आप देश की जनता का ध्यान बांटना चाहते हैं, लेकिन समाजवादी पार्टी देश को नहीं बांटने देगी । आप पोटो पारित कराने के लिये ऐड़ी से चोटी का जोर लगा रहे हैं और देश की जनता को विश्वास में नहीं ले रहे हैं। आप देश की जनता को विश्वास में लें और पूरे सदन को विश्वास में लें। आज भी मौका है, हम पूरे सदन से विनम्रतापूर्वक अपील करते हैं कि nâ देश को बचाने तथा मौलिक अधिकारों की रक्षा करने के लिये तथा लोकतंत्र को मजबूत करने हेतु इस काले, दमनकारी तथा खतरनाक पोटो विधेयक को पारित न होने दें और पूरी तरह रद्द कर देश का सम्मान सारी दुनिया में बढाने का कार्य करें ।

DEPUTY CHAIRMAN (RAJYA SABHA): Hon. Members, I should announce that it is now almost quarter to Three of the Clock. I have got eight leaders to speak; and also 16 other Members to speak. So, it is up to you that if we want to finish the voting at 5.30 p.m., then we ourselves have to be careful. I do not have to tell you because you are all leaders.

Now, Shri H.D. Deve Gowda to speak.

SHRI H.D. DEVE GOWDA (KANAKPURA): Madam, I thank you very much for having given me an opportunity to express my views on this controversial Bill.

In the morning, our hon. Home Minister, when he tried to Table this controversial Bill, mentioned that it is a unique event that our present Prime Minister has participated in all the three Joint Sittings; and, under his leadership, today this unique controversial Bill is going to be passed with a majority. You know the fate of the Bill.

Why has this controversy arisen? On 11th September, what happened in the USA? The whole country stood together when that happened. Are we not interested in fighting terrorism? Are we not interested in protecting our nation, the sovereignty of the nation? Are we not prepared to cooperate with the Government to defend this nation? This is a moot question. Patriotism is not the monopoly of the ruling party or its allies. We are equally concerned about the integrity of the nation, about the sovereignty of the nation, about the unity of the nation. Why is this controversy there? The controversy is there because the ruling party, in the last four years, has not demonstrated in its governance to show that it is impartial towards all religions and all communities as far as the administration is concerned.

Madam, as you have cautioned me about the time factor, I do not want to make an elaborate speech. Today, we are facing the problem of disunity and the suspicion among the minorities. The needle of suspicion is there because of the behaviour of the Government in the last four years. So, I have no option but to take some of events that took place in the last five months.

After Godhra incident, one of our senior colleagues, Shri George Fernandes, who is sitting here, had the opportunity to come to this House to participate in this unique controversial Bill. What had happened in the past during Emergency? How the TADA was misused? I am not going to elaborate on that. We reaped dividends for that. Can we expect the people, who are going to implement this Act, to be impartial? Are they free from the political interference? These are the moot questions.

When the Indian Muslims and Christians faced the sufferings in the last four years, they have shown restraint. They have proved that they are Indians. They belong to this nation. This nation is not the monopoly of any one community or any one religion. They have shown beyond anybody's doubt that they are equally responsible for the unity of the nation. When the 19 churches were demolished, was there any reaction by the Christian community in this country? Let me ask this question. When Bible was burnt, was there any reaction from the Christian community or other minorities?

If you want to fight cross-border terrorism, we have no objection . You have to take the entire country into confidence by your behaviour. Our hon. Home Minister went to Ajmer to offer the flowers in the *Dargah* . Does it mean that he has changed his attitude? I am sorry to say as to how things are moving in the country for the last four years. This is not to maintain the unity of our nation.

As a Member of Lok Sabha, if I try to discharge my duty in Parliament, a hon. Chief Minister of a particular State has remarked that one former Prime Minister is instigating the communal tension in Gujarat. Are you going to support this stand or the remark made by a Chief Minister of a State, George *Saheb?* You are senior to me. You might not have become the Prime Minister. You may become one in the future because you enjoy the vast majority and you try to bind your allies together. I have no objection. You are from a minority community. I try to participate in a he

debate in the Lok Sabha. If a Chief Minister of a State makes an uncharitable remark that a former Prime Minister is trying to instigate the communal tension in Gujarat, what will you do?.

Madam, I do not want to hurt the feelings of NDA allies. Is it not going to encroach upon the privilege of the hon. Members of Parliament? Is the hon. Prime Minister or the Home Minister prepared to admonish the Chief Minister, who behaved in such a manner? I would like to know the mind of the hon. Prime Minister and the Home Minister.

Madam, the police officers say that they have not got a free hand to act. I do not want to consume the time of this House by taking out the newspaper cuttings and quoting the same here. I would like to tell Shri George Fernandes that senior police officers, who are going to implement this law, are saying that they have no freedom. They said that they could have brought the situation under control, but they had no freedom to act on their own. So, can you expect this Act would be implemented by those people who are supposed to be encouraging terrorism? This is the controversy. The officers who tried to book some of those people belonging to the *Vishwa Hindu Parishad* or the *Bajrang Dal* have now been kicked like a football by the Chief Minister. What does it show? Why is the country divided on this very important legislation? Are we not interested in protecting the nation? Are we not prepared to demonstrate our unity? In the past, during the Chinese aggression or when Pakistan tried to create problems to our nation, the whole country, with one voice, demonstrated its unity. So, it is not a question of political conflict.

Madam, we have the Law Minister who has got his own legal excellence. Several legal experts and his own junior and senior colleagues in the legal field have differed with him on this Bill. There are serious doubts voiced by legal experts. I am not a legal expert, but there is a difference of opinion among legal experts. The Chairman of the National Human Rights Commission is one of the former Chief Justices of India. The entire Commission has passed a unanimous resolution rejecting this controversial Bill.

I would like to draw the attention of this House to a book published by the *Ram Janma Bhoomi Nyas*. For whose benefit has it been published? Is it to advocate *Hindutva*? What is *Hindutva*? What does the Hindu religion say? Do I not belong to the Hindu community? Should I have to take a certificate from the *Vishwa Hindu Parishad*? I might not have been born in a so-called upper caste. I know that we have been exploited for the last 5,000 years, but even then I am proud of my community. The essence of Hindu religion is tolerance. But is there any tolerance among these people? I would like to pose this question to the *Ram Janma Bhoomi Nyas* who have published this book wherein they tried to drag my name and my colleague Shri I.K. Gujral.

It says:

> "The two other vote bank politicians-cum-Prime Ministers - I.K. Gujaral and H.D. Deve Gowda - did not bother to do anything except keep going to *Eids* or *Iftaar* parties."

Yes, I used to go to *Iftaar* parties. I used to go to *Dargahs*. I used to go to *Gurudwaras*. I used to go to Hindu temples. But remember that the historians will write: "During Deve Gowda's period, there was no communal clash in this country." I am proud to say that 'without any POTO'.

Without any type of these draconian laws, we conducted the election. In the past 10 years, no Prime Minister went to Jammu and Kashmir. As a Minister of Home Affairs, he might have got the file. If I say even a single word in exaggeration, tell the nation. I fixed up the programme. The people from the RAW and the Intelligence Bureau came and tried to advise me to postpone the programme. They said: "They have intercepted the conversation between the extremist groups. They are going to kill you. You should not go." That was the advice given by the Ministry of Home Affairs, the IB and the RAW Secretaries. All these people came to me. I postponed the programme once.

Then I fixed up the programme for the second time. The same situation was there. A dozen officers, including the same officers, came to me and tried to prevail upon me. I said: "No. I must go. If you all say that Jammu and Kashmir is an integral part of this country, the Prime Minister of this country is expected to go. If I fail to go because some conversation of extremists has been intercepted by our esteemed friends, then I am not worthy of a Prime Minister. I will go whatever may be the consequences." I visited four times. We conducted the election. We allowed persons from the international media to see whether the election was free and fair. They could and observe it.

You want to say about this so-called *Ram Janambhoomi Nyas*. Have they taken the entire Hindu community as their protectees? I would like to ask a question: "Am I not a Hindu?" I too have got certain responsibilities as Member of Parliament and as worker of a political party. My party is not a large party. I do not care about that. But what I want to tell the nation is that I have no hesitation. Let the hon. Members realise my own position. I do not want to use unparliamentary language against anybody. The RSS Chief says in Bangalore:

> "The era is going to begin. The era of those people, who are going to oppose *Hindutva,* is coming to an

end."

What does it mean? I oppose what that means. There is no hesitation on my part. If we are going to be subjected to such threats, if our safety is in danger, if our life is in danger, then, we are prepared for the worst for the sake of unity of this nation.

15.00 hrs.

I am not going to be afraid of these threats. I have got the press cuttings in my hands of what the RSS Chief has said: "Judge Saheb, what happened to your family, what happened to you, the agony and what now you are doing I know, why you are doing all these things."

I am not going to blame him. To take revenge is a separate matter but the country"""""s interest is paramount. The Congress has removed my Government, I am not bothered about that. The unity of the nation, the unity of the country, the harmony among all communities and all religions is of paramount importance to all of us, while fighting terrorism.

Terrorism, as has been stated by the hon. Home Minister, is there for the last twenty years. The eyes of Mr. Bush were opened on 11th September when the terrorist problem was known to them. The Security Council had to pass a resolution after that. Before that they had not realised what the problem of terrorism was.

Today, we are in a minority. Yes. We know those people who are going to support, a day will come and it is not far off that the political wheel will turn and they will regret. It is not far off. You cannot suppress the feelings of the nation. You cannot suppress the feelings of the entire population of 103 million people of this country. The days are not far off, whoever may rule this country, we are not bothered. What we want to say is that we want the harmony, the unity and oneness among all religions. This is all we want to have in this country.

I would like to conclude by saying that during 1961, when during one of the tallest leaders, Pandit Jawaharlal Nehru"""""s, time, the first Joint Sitting was held as has been stated by the hon. Home Minister. At that time, there was no party whip, there was no lobbying. He was such a tallest leader in this country. He had given a free hand to vote according to the conscience of the Members, if I am correct. Shri Chandra Shekhar may correct me because I was not in the national politics at that time.

In the last one week, after raising the issue of *Godhra Asthi Yatra*, what has happened? There was a commotion in the House. I was a witness and then how things moved in the last three-four daysâ€¦ (*Interruptions*)

श्री विनय कटियार : माननीय सदस्य गलतबयानी कर रहे हैं। इन्होंने पिछली बार भी लोक सभा में अपने भााण में ऐसी ही गलतबयानी करके तनाव पैदा किया था। â€¦ (व्यवधान)

SHRI H.D. DEVE GOWDA : I do not want to learn Hindu philosophy from him...(*Interruptions*) I do not want to learn his Hindu philosophyâ€¦ (*Interruptions*) I have got firm belief and I go to temple...(*Interruptions*) We are not afraid of these things.

While opposing this Bill, as I have already said, I am proud of my community but at the same I am opposing tooth and nail the division of the country on the basis of religion and caste.

DEPUTY CHAIRMAN (RAJYA SABHA) : Hon. Members, we are discussing something very important, which is going to affect the entire nation and the debate should be at that level. If there are so much of interruptions, I do not think it looks very nice because we are all being seen on the television not only in our country but also all over the world.

I know that you may not agree with what this side says and they may not agree with what you speak. But in the true spirit of democracy, there should be tolerance to listen to each other. And when you get a chance, you please reply. But the interruptions to the senior Members or the former Prime Minister or the Leader of Opposition or the Home Minister are not becoming of us.

...(*Interruptions*)

श्री विनय कटियार : ऐसा जिम्मेदार आदमी अगर कोई गलत बयान दे रहा है, तो उसे कैसे मान लें। â€¦ (व्यवधान)

DEPUTY CHAIRMAN (RAJYA SABHA): Please sit down.

...(*Interruptions*)

DEPUTY CHAIRMAN (RAJYA SABHA): You also please sit down.

Everybody has a right. हरेक को इख्तियार है कि वह अपनी राय फ्रीली एंड विदाउट फीयर कहे। Everybody has a right to express his opinion freely and to speak without fear. And if you do not agree, do not agree but please do not interrupt.

Now, Shri Chandra Shekhar.

श्री चन्द्रशेखर (बलिया, उ.प्र.) : मोहतरमा नायब सदर साहिबा, पहले इस सवाल पर बोलने के लिए मेरे मन में दुविधा थी। केवल बोलने के लिए ही नहीं बल्कि इस स वाल के बारे में ही मेरे मन में दुविधा थी। मेरे मित्र श्री मुलायम सिंह यादव ने इशारा किया, मेरा नाम नहीं लिया, लेकिन मैं स्पट करना चाहता हूं कि मैं इस राय का था और आज भी इस राय का हूं कि देश में जो परिस्थिति है उनमें कोई ऐसा कानून होना चाहिए जो स्थिति को संभाल सकने में सहायक हो और इसीलिए मैं सोच रहा था कि पोटो बिल का विरोध नहीं करूंगा। लेकिन यह भी बात ध्यान में रखने की है कि जो लोग पोटो को लागू करना चाहते हैं, उनका रवैया क्या है, उनकी नीयत क्या है और वे किस तरह से परिस्थितियों के मुताबिक काम करना चाहते हैं। पिछले कुछ दिनों के अनुभव से मेरा मन बहुत दुखी हुआ और आज मैं इसीलिए बोलने के लिए, कुछ कहने के लिए खड़ा हुआ हूं। आज हमारा देश ऐसे संकट में है, जहां हमारे विचारों में अन्तर होना स्वाभाविक है, पर हम अपने विचारों में थोड़ा समझौता कर के भी देश में एका कायम करने की कोशिश करें, तो उचित होगा।

मोहतरमा, सीमा के बाहर से आतंकवाद चल रहा है, यह सुनते-सुनते देश के लोग परेशान हो गए हैं। आतंकवाद जहां से भी चालू होता है, उसका अमल तो देश की सीमा के अंदर होता है। कोई बाहर का आदमी अपने देश की सीमा के अंदर आकर निर्दो लोगों की हत्या करता है, तो इसके लिए दूसरे देश का रहनुमा जिम्मेदार नहीं है। वह जिम्मेदारी इस देश की सरकार को लेनी होगी । अपने अनिर्णय को, अपने निकम्मेपन को दूसरे पर थोपकर हम अपनी जिम्मेदारी से अलग नहीं हो सकते। मैं ऐसा समझता हूं कि लोग विरोध करने के लिए, विरोध में बोलने की सीमाओं को पार कर जाते हैं, लेकिन मैं ऐसा भी मानता हूं कि जो लोग हुकूमत में हैं, जो लोग सत्ता में हैं, उनमें ज्यादा संयम होना चाहिए, ज्यादा आत्मनियंत्रण होना चाहिए। इसीलिए नायब सदर साहिबा आज सुबह मैंने गृह मंत्री जी को बीच में टोका। मुझे उसका दुख है क्योंकि हमारे मित्र जो दूसरे से कहते हैं कि आदमी अलग-अलग होते हैं और उन आदमियों के रोल कभी-कभी अलग हो जाया करते हैं, लेकिन बुनियादी तौर पर यदि हम उनकी शख्सियत में, उनके व्यक्तित्व में विश्वास नहीं करते, तो कोई जम्हूरियत, कोई लोकतंत्र नहीं चल सकता। ।

भाजपा के बारे में हमारे दिल में कोई संदेह नहीं है। आज से नहीं विद्यार्थी जीवन से मैं धर्म के नाम पर राजनीति करने को गलत मानता हूं, देश के लिए नुकसानदेह मानता हूं, समाज को बांटने वाला मानता हूं लेकिन उन में भी कुछ लोग ऐसे होते हैं जो समय पड़ने पर बहुत अच्छा काम भी कर सकते हैं। श्री मुलायम सिंह जी और हम 1975 में साथ थे। आडवाणी जी भी थे, श्री अटल बिहारी वाजपेयी जी भी थे। उन दिनों उनका रोल कुछ दूसरा था। उसके बाद जब जनता पार्टी की हकूमत बनी, उस समय दो नौजवान मेरी दृटि में आये। उन दोनों का नाम अरुण था - एक शौरी हैं और दूसरे जेटली है। उनसे हमें बड़ी उम्मीद थी लेकिन अब जब देखते हैं तो कभी-कभी संदेह होता है कि क्या ये वही अरुण शौरी हैं और वही अरुण जेटली हैं या दूसरे हो गये हैं। इससे हमारा विश्वास उनमें समाप्त नहीं हुआ है। परन्तु स्थितियों के मुताबिक कुछ लोग झुक जाया करते हैं, बदल जाया करते हैं।

आज श्री जार्ज फर्नान्डीज को लेकर लोगों को बहुत गुस्सा आता है। लेकिन जब मैं उनको देखता हूं तो मेरे मन में उनके लिए आदर पैदा होता है क्योंकि उनका अतीत कभी भूलता नहीं है और उनके भविय के बारे में भी आशा कभी टूटती नहीं । लेकिन मैं आडवाणी जी, गृह मंत्री जी से कहूंगा कि जिस तरह से इस चर्चा को चलाया गया, वह चर्चा देश को बनाने वाली नहीं थी, देश को जोड़ने वाली नहीं थी। जैसा किसी ने कहा, शुरू से यह धमकी दी गई कि हम संयुक्त बैठक करेंगे, बहुमत हमारा होगा और हम बहुमत से इसको पास करा लेंगे, बहुमत से पास कर लेंगे लेकिन क्रियान्वित करने में आपको सबका सहयोग चाहिए। अगर इतनी दूर-दृटि नहीं है तो देश के प्रशासन को चलाया नहीं जा सकता। जिन राज्यों के भरोसे आप इसे चलाना चाहते हैं, उन को आपको अपने साथ रखना पड़ेगा। जिन मुख्य मंत्रियों के जरिये इस कानून को लागू करना चाहते हैं, उन मुख्य मंत्रियों की मर्यादा का भी आपको ध्यान रखना होगा।

मैंने शुरू में ही कहा कि तकनीकी तौर पर आपका यह कहना सही हो सकता है कि आपने किसी का नाम नहीं लिया लेकिन किसी मुख्य मंत्री ने अगर आपसे व्यक्तिगत कोई बात की तो उसको इस सदन में दोहराना किसी गृह मंत्री को या किसी प्रधान मंत्री को शोभा नहीं देता। मैं फिर कहना चाहता हूं क्योंकि इस तरह के व्यवहार से हमारे देश में एक बिखराव की हालत पैदा हो रही है। यह पोटो कानून जिस तरह से लाया गया और इसका जिस तरह से उपयोग हुआ है, गुजरात में जिस तरह से उपयोग हुआ, मैं उस को नहीं दोहराना चाहता लेकिन उसके बाद लगातार मुख्य मंत्री का जो बयान आता है और हर बात के लिए श्री अरुण जेटली जी कहते हैं कि उनके बयान को जरा तरोड़-मरोड़कर छाप दिया गया है। तरोड़-मरोड़ कर छापे गये बयान का अगर खण्डन नहीं होता तो लोगों के मन में यही आयेगा कि उन्होंने बयान दिया ही होगा और वह ठीक ही छपा है। ऐसी हालत में देश की एकता नहीं रह सकती। देश के लोगों का विश्वास नहीं रह सकता। आज देश के सामने बाहर से आने वाला आतंकवाद केवल समस्या नहीं है। इस देश में समस्या यह है कि देश के लोगों का दिल टूटा हुआ है। लोगों का विश्वास हिला हुआ है। इस देश का गरीब यह समझता है कि उसकी सुनने वाला कोई नहीं। इस देश का दलित यह समझता है कि उसे न्याय नहीं मिलता। इसके अकलियत के लोग यह समझते हैं कि उनकी सुरक्षा नहीं है। यहां का नौजवान यह समझता है कि उसके पास रोजगार नहीं इसलिए उसका कोई भविय नहीं। यह स्वयं में गम्भीर समस्या है बडी कृपा होती, अगर हम इस ओर ज्यादा ध्यान देते। दूसरे देशों की सहायता से आतंकवाद समाप्त नहीं हो सकता। गृहमंत्री जी ने कहा कि 61 हजार लोग आतंकवाद के शिकार हुए, क्या आपको वे दिन याद हैं जब 25 हजार लोग केवल पंजाब में मारे गये थे। कितने लोग नक्सली आंदोलन में मारे गये, कितने लोग नागालैंड में मारे गये, क्या हुआ माणिपुर का और क्या हुआ अरुणाचल प्रदेश का? आज आदिवासी इलाकों का क्या हाल है? त्रिपुरा से लेकर तमिलनाडु तक हर आदिवासी इलाकों में आज एक बवंडर खड़ा हो रहा है, एक धुंआ उठ रहा है। उसे आप आतंकवाद कहें या नहीं, हमारे एक मित्र अभी कह रहे थे कि वे सरकार का समर्थन करते हैं। सरकार का समर्थन करते रहिए, सरकार चलाते रहिए लेकिन उसी आंध्र प्रदेश में कितने इलाकों में, कितने जिलों में आज सरकारी अधिकारी जा नहीं सकते। कितने इलाकों में जीवन सुरक्षित नहीं है। ऐसा कोई बाहर से आये आतंकवाद के कारण नहीं है, उस धरती से जन्मा हुआ आतंकवाद है। आज क्या हो रहा है झारखंड में ? क्या हालत

है हमारी जो नया राज्य मध्य प्रदेश से कटकर छत्तीसगढ़ का बना है ? वहां लोग एक दूसरे के दुश्मन बन रहे हैं। इस संसद में हम लोग एक दूसरे के दुश्मन न बने, एक दूसरे के सहयोगी बने, विचारों के मतभेद के बावजूद राट्रीय समस्याओं पर गम्भीरतापूर्वक सोचें । मैं यही निवेदन करूंगा कि गृह मंत्री जी अब भी कोई ऐसा मौका निकालिये जिससे आपसी विवाद समाप्त हो। हम देश के सामने और दुनिया के सामने एक मिली-जुली तस्वीर रख सकें। जिस तरह से आप इस विधेयक को पास कराना चाहते हैं, स्वीकृत कराना चाहते हैं, उसको स्वीकृत कराने में सहयोग देना मेरे जैसे व्यक्ति के लिए संभव नहीं और मैं विवश होकर इसका विरोध करूंगा।

विधि, न्याय और कंपनी कार्य मंत्री (श्री अरुण जेटली) : माननीय सभापति महोदय, राट्रपति जी ने संविधान की धारा 108 के तहत दोनों सदनों की यह संयुक्त बैठक बुलाई है। आतंकवाद विरोधी कानून का स्वरूप क्या हो, वह पारित हो या न हो - इसी संदर्भ में यह संयुक्त बैठक बुलाई गई है। बेहतर यह होता कि सुबह से जो बहस हो रही है, इस कानून में अगर कुछ कमियां हैं, उसके संदर्भ में कुछ सुझाव आ जाते, कुछ सुधार करने की आवश्यकता है तो उसके सुझाव आ जाते, लेकिन यहां बहस कई अन्य वियों पर चली गई जिसका पोटो के साथ कुछ कम ताल्लुक था। उत्तर प्रदेश में सरकार कैसी होगी, मंदिर और मस्जिद का मामला सन् 1996 में कैसे निपटाने का प्रयास किया गया, ये विाय महत्वपूर्ण हो सकते हैं, सदन के अंदर किसी भी चर्चा में महत्वपूर्ण हो सकते हैं, लेकिन इस संयुक्त बैठक का यह विाय नहीं है। इस संयुक्त बैठक का औचित्य यह है कि दोनों सदनों का संयुक्त मत यह बने कि यह कानून इस देश को चाहिए या नहीं चाहिए। लोक सभा में पारित होने के पश्चात् जब यह कानून राज्य सभा में पास नहीं हुआ तो विपक्ष के एक बहुत प्रमुख प्रवक्ता ने देश के सामने यह कहा कि हम दिखलाना चाहते थे कि इस विाय के ऊपर यह देश बंटा हुआ है। "We wanted to show that the country was divided on this issue."

माननीय मुलायम सिंह जी जिक्र कर रहे थे कि अमरीका ने अपने आपको 11 सितम्बर के बाद कैसे संभाला। अमरीका के अंदर भी एक एंटी-टैरोरिज़्म लॉ था। वे अब एक नया कानून ले आए। पूरे राट्र को आतंकवाद के खिलाफâ€¦ (व्यवधान)

श्री मुलायम सिंह यादव : कानून मंत्री ने अमरीका के कानून का जिक्र किया है। हमें शायद कोई भ्रम न रहे, अमेरीका में जो कानून लागू हुआ है, वह अमेरीका के नि वासियों के खिलाफ इस्तेमाल नहीं होगा। हम स्पट जानना चाहते हैं, क्या आप हिन्दुस्तान के निवासियों के खिलाफ उस कानून का इस्तेमाल नहीं करेंगे?

श्री अरुण जेटली : मैं बहुत आभारी हूं कि माननीय मुलायम सिंह जी ने एक बहुत प्रमुख विाय उठाया है। चर्चा और बहस के दौरान कई बार अन्य देशों के उदाहरण भी आते हैं। उन तमाम देशों के कानून मेरे पास हैं, मैं आपके समक्ष भेज भी सकता हूं और इस दौरान मैं इस विाय का उत्तर भी आपको दूंगा। लेकिन एक बात हम याद रखें कि अमेरीका के सामने जब आतंकवाद की चुनौती आई थी, तो अमरीका के अंदर यह बहस आरंभ नहीं हुई थी कि रंग-भेद के आधार पर कुछ लोगों के साथ अन्याय हो गया इसलिए आज आतंकवाद से लड़ने की बात हम छोड़ दें बल्कि पूरा राट्र खड़ा हो गया था और जब कानून उनकी सीनेट के सामने आया तो केवल एक मत था जो उसके खिलाफ गया, बाकी सब मत उसके पक्ष के अंदर गए थे और पूरा राट्र उस कानून के समर्थन में खड़ा हो गया था। अमेरीका के अंदर किसी भी व्यक्ति ने, किसी समाचार पत्र ने, किसी टेलीविजन चैनल ने, जो उस वक्त का संकट था, जिसको देख कर लोग निराश हो सकते थे, वह देश के सामने नहीं रखा था। वर्ल्ड ट्रेड सैंटर कांड में अगर तीन हजार लोगों की मृत्यु हुई तो अमरीका के राट्रपति ने पहले ही दिन ऐलान कर दिया, जिसका गृह मंत्री जी जिक्र कर रहे थे - "A war has been launched on the United States of America." अमेरीका के ऊपर युद्ध की घोाणा कर दी गई है और इसलिए हम लोग पूरे विश व को साथ लें, इसका प्रयास था। जब श्रृद्धांजलि सभाएं होती थीं तो हर दल के लोग वहां समर्थन में चले जाते थे।

एक दिन अमेरिका का ध्वज उठाते थे तो दूसरे दिन वे खड़े होकर उनके समर्थन में प्रार्थना सभाएं किया करते थे। लेकिन एक अपना देश भी है, जहां राज्य सभा के अन्दर कानून पराजित हो गया तो प्रवक्ता जाकर यह कहें कि हम यह दिखलाना चाहते थे कि इस विाय पर यह देश बंटा हुआ है। मैं इसका जिक्रâ€¦ (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI: Madam, I take strong exception to it. ...(*Interruptions*) The Hon. Minister himself is dividing the country and the House. ...(*Interruptions*)

श्री सुरेश पचौरी : जो कानून आप ला रहे हैं, वह कानून विवादास्पद हो गया है, उस पर सहमति नहीं है और इस पर देश के लोग एकमत नहीं हैं।â€¦ (व्यवधान)

श्री अरुण जेटली : आदरणीय उपाध्यक्षा जी, 11 सितम्बर की घटना के बाद 28 सितम्बर को संयुक्त राट्र संघ में प्रस्ताव पास हो गया कि हर सदस्य देश अपने देश के अन्दर कानून की व्यवस्था इस प्रकार से बनाएगा कि प्रत्यक्ष या अप्रत्यक्ष तरीके से कोई नागरिक आतंकवाद का समर्थन न कर पाये या किसी दूसरे देश के नागरिक को वहां पनाह न मिल पाये। अमेरिका के अन्दर पहले भी कानून था। अमेरिका के अन्दर पैट्रिएट एक्ट उस घटना के बाद बना। उसके बाद तमाम कानून बने। वही नहीं, ब्रिटेन के अन्दर 2000 के अन्दर आतंकवाद विरोधी कानून बना। अगस्त, 1991 के अन्दर पाकिस्तान ने भी कानून बना डाला। यह दुर्भाग्य की बात है कि दुनिया का एक वह देश, जिस पर आतंकवाद का प्रहार सबसे अधिक हो, हमें बहस भी करने की आवश्यकता हो कि इस प्रकार के कानून की आज जरूरत भी है कि नहीं है। जिस प्रकार की शब्दावली का प्रयोग किया गया, I just wish to refer to what the hon. Leader of Opposition had to say:

> "This law is insidious. This is politically motivated. It meets the narrow end. It is a manipulation of the parliamentary process. "

I regret that these are the four phrases, which have been used. Let us make it very clear as to, which is the context in which this law is being brought.

कौन सा छोटा राजनैतिक लक्ष्य है, जो दलगत राजनीति से प्रेरित है, राजनैतिक स्वार्थ से प्रेरित है, जिसको पूरा करने के लिए सरकार कानून लाना चाहती है। वहां आतंकवाद की पहली घटना हुई, जिसमें 3000 लोगों की मृत्यु हो गई। अमेरिका का राट्रपति कहे और पूरा विश्व स्वीकार कर ले कि अमेरिका पर युद्ध का एलान हो गया और यहां 61 हजार लोग पिछले 15 वर्षों में मारे जायें, मैं नेता प्रतिपक्ष को ये आंकड़े याद दिलाना चाहूंगा कि पिछले 15 वर्षों में 61,013 सिविलियन नागरिक आतंकवाद की बलि चढ़े हैं। अगर इसकी तुलना हम करें तो जो चार युद्ध हमने लड़े हैं, उन चार युद्धों में 5,468 और आतंकवाद से 61 हजार लोग मरे हैं। सैनिक और अर्धसैनिक बलों के 8,706 सदस्य मरे हैं। 61 हजार और नौ हजार, कुल 70 हजार लोग यदि सैनिक आतंकवाद के सामने बलि चढ़ जायें, छः लाख लोग बेघर हो जायें, 45 हजार करोड़ रुपया राज्य सरकारों का और केन्द्र सरकार का केवल आतंकवाद विरोधी गतिविधियों में लग जाये, फिर क्यों यह प्रश्न पूछा जा रहा है कि आप राजनैतिक कारणों से प्रेरित होकर आतंकवाद विरोधी कानून लाना चाहते हैं। अगर मैंâ€¦ (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : Why not before the Agra Summit? That is the doubt. ...(*Interruptions*)

SHRI ARUN JAITLEY: I wish to remind her that the only consideration why this law is being brought is to contain terrorism; is to punish the terrorists and no other reason at all. She had mentioned that this law is being brought

only for politically- motivated reasons and she alleged that we have turned 180 degree.

I just wish to remind you, please seriously introspect whether the reason for this Bill is any political motivation or is your opposition to this Bill politically motivated....(*Interruptions*)

Let me now remind you, when you accused us of doing a 180 degree turn, when some Members, who are today in the Government, opposed the extension of TADA in 1989 and 1991...(*Interruptions*).

DEPUTY-CHAIRMAN (RAJYA SABHA): Mr. Minister, will you please go *via* me?

SHRI ARUN JAITLEY: Absolutely, Madam.

Madam, Deputy-Chairman, when this charge is made that some Members of the Government in 1989 and 1991 had opposed the continuation of TADA because TADA was being misused, at that stage they might have had good reasons to do so because terrorism was predominantly in Punjab. But does the leader of the Opposition conveniently forget what her own party colleagues had to say at that time? When this opposition was made, her party colleagues who are still with her in Parliament, got up and very clearly said that this country needed an extraordinary law to deal with an extraordinary situation of terrorism. Terrorism, the then Home Minister said, cannot be fought with any kind of velvet gloves, terrorism must be fought with an extraordinary legislation. And when asked how long this law will continue, he very clearly said that this law would continue as long as terrorism is to continue. Today we are reminded of the fact that when a particular party was in power, and that party confesses that when they were in power in Gujarat and other States, they misused TADA and, therefore, no other Government in power must now try and legislate an anti-terrorism law, even though the universal experience today is that to punish the terrorists, you do require such a law.

उप सभापति महोदय, एक प्रचार किया जा रहा है। यह प्रचार बार-बार होता है कि टाडा का दुरुपयोग अल्पसंख्यक वर्ग के खिलाफ हुआâ€¦ (व्यवधान) जब टाडा का दुरुपयोग हुआ या टाडा का उपयोग हुआ, जो दल उस वक्त सरकार में था और जिस दल ने टाडा का उस वक्त प्रयोग किया था, आज वह देश को दुहाई देता है कि हमने अल्पसंख्यक वर्ग के खिलाफ उसका दुरुपयोग किया था। लेकिन आंकड़ा स्वयं के खिलाफ करके केवल पोटो को रोकने के लिए ये प्रचार करते हैं तो आंकड़ा के वल उसका भी साथ नहीं देता।

यदि कश्मीर और गुजरात को छोड़ दिया जाए - मैं कश्मीर को इसलिए छोड़ रहा हूं क्योंकि कश्मीर में आतंकवाद की व्यापक स्थिति थी। जो लोग बाहर से आते थे, वे भी पकड़े जाते थे। गुजरात के अंदर 19000 किसानों को पकड़ा गया। इन दोनों प्रांतों को छोड़ दिया जाये जहां व्यापक दुरुपयोग हुआ। पूरे देश के आंकड़े हैं। टाडा का अल्पसंख्यक वर्ग के खिलाफ जो प्रयोग हुआ था, वह साढ़े चार फीसदी था। Four-and-a-half per cent was what TADA was used against the minorities. लेकिन राजनैतिक कारणों से विरोध प्रेरित है और इसलिए स्वयं प्रचार करेंगे कि जब हम सरकार में थे तो हम लोग इसको अल्पसंख्यक के खिलाफ प्रयोग किया करते थे, इसलिए आतंकवादी विरोधी कानून के संबंध में एक भय अल्पसंख्यक वर्ग के मन के अंदर बन जाएगा। यह तर्क भी दिया गया कि राजनैतिक कारणों से यह प्रेरित है। मैं प्रश्न पूछ रहा था कि महाराट्र के अंदर कानून आया।â€¦ (व्यवधान) महाराट्र का कानून आज कांग्रेस की सरकार वहां पर लागू कर रही है। महाराट्र के कानून में जो प्रावधान हैं, वे हर दृटि से पोटो से ज्यादा सख्त हैं। कर्नाटक के अंदर कांग्रेस की सरकार है। कानून बना, कर्नाटक का कानून भी पोटो से अधिक सख्त है। इन दोनों प्रांतों के अंदर कांग्रेस पार्टी की सरकारें इस कानून को लागू कर रही हैं। उन कानून में भी यह लिखा है कि जो पुलिस को दिया गया बयान है कि किन परिस्थितियों के अंदर वह शहादत बन सकता है, गवाही बन सकती है, जमानत उनमें भी कड़ी कर दी गई है। प्रांतों के अंदर ऑरगेनाइज्ड क्राइम के खिलाफ जो स्थानीय गुंडे हैं, उनके गिरोह हैं, उनके खिलाफ तो यह कानून ठीक हो सकता है लेकिन अगर लश्कर-ए-तैइबा और जैश-ए-मोहम्मद के खिलाफ यह कानून बनता है तो वह राजनैतिक कारणों से प्रेरित है।â€¦ (व्यवधान)

Madam Chairman, the argument given is that you need a law in the States to fight domestic organised *Mafia*. But the moment you have the same law or even a lighter law against terrorist organisations, that law is going to be politically motivated. Madam Chairman, I would like, through you, urge upon the principal opposition Party that they have already taken a 180-degree turn. You brought in an anti-terrorist law; you told the country what was the logic required for an anti-terrorist law; you have brought the same legislation for the purposes of tackling organised crime in the States.

When your State Governments were consulted, without a single exception, each one of your State Governments said that India needs such a law. Each one of your State Governments said it and some of them suggested improvements in the Central legislation that we circulated to the States saying that there was no provision for intercept of communication. It was the Maharashtra Government that suggested to us that this law would be incomplete till such time that you have a provision for interceptions. We accepted that advice. After we have followed the advice, consulted the State Governments where your State Governments advised us, suddenly it is you who took a 180-degree turn and tell us that this law is not required as far as India is concerned. What does this law say? इस कानून में है क्या? कानून के प्रावधान क्या हैं, इसके ऊपर चर्चा नहीं हो रही है, चर्चा तो यह हो रही है कि देश का सर्वोच्च प्रधान मंत्री कौन रहा? यू.पी. में सरकार किसकी बननी चाहिए? गुजरात के अंदर ये साम्प्रदायिकता की घटनाएं हो रही हैं तो इन पर किस प्रकार से नियंत्रण किया जा सकता है?

श्री मुलायम सिंह यादव : आपके लोगों ने टोकाटोकी शुरु कर दी है। â€¦ (व्यवधान)

श्री अरुण जेटली : इस देश में आज केवल एक प्रकार का आतंकवाद नहीं है। अभी माननीय चंद्रशेखर जी कह रहे थे कि विभिन्न प्रकार के आतंकवाद हैं। पंजाब में 10-12 साल भुगते हैं। कश्मीर में सीमापार से आने वाला आतंकवाद है। पूर्व उत्तर के प्रांतों में माओवादियों का आतंकवाद है। हम लोग देश के अंदर देख रहे हैं कि कितने ही प्रांतों में आतंकवाद की घटनाएं हो रही हैं। इसका परिणाम है कि केवल राट्र की सुरक्षा को खतरा नहीं है, एकता को खतरा नहीं है बल्कि राट्र के अंदर जो

इकोनॉमिक एनवॉयरनमेंट है, जो अर्थ-व्यवस्था है, उसको भी नुकसान पहुंच सकता है और उसके ऊपर भी खतरा है। मैं केवल बयान पढ़ूं कि जो लोग इस आतंकवाद को बढ़ाना चाहते हैं, विशेा रूप से सीमापार से जो आज भी खतरा हो सकता है, मुशर्रफ जी कहते हैं,

> "*Jihad* is not terrorism. Mujahideen organisations are not terrorist organisations. *Jihad* had been revived during the Afghan War and it is now *Jihad* in Kashmir."

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : In the convention held at Bangalore, it was stated : "Muslims can stay within India if they can win the heart of the majority." What does it mean? ...(*Interruptions*)

SHRI ARUN JAITLEY: Madam, I was only quoting somebody who has a desire to launch *Jehad* on India. I do not think that this should have really provoked anybody in the Opposition. Masood Azhar, the President of *Jaish-e-Mohammad,* says: "Our mission is just not Srinagar; we have to capture New Delhi." Osama bin Laden says : "Fighting *Jehad* against India is an Islamic duty of the world. Kashmir issue cannot be resolved by any means other than *Jehad*." ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : You created terror for Shri Rajdeep Sardesai and his colleagues. ...(*Interruptions*) They were asked : "If you are a Muslim, you get out. If you are a Hindu, you can go further." ...(*Interruptions*) The Law Minister and the Home Minister should explain this.

डॉ. विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : महोदय, आप इनको रोकिए। इनके लीडर को हमने आराम से सुना है। â€¦ (व्यवधान)

DEPUTY-CHAIRMAN (RAJYA SABHA): Just a minute please. I have requested everybody to have a debate at a level. मेरा आपसे आग्रह है, कृपा करके जनतान्त्रिक तरीके से खास मुद्दे पर जो बहस हो रही है, अहम मुद्दा है, टोका-टाकी दोनों तरफ से न हो, तो बेहतर होगा। मेरी कान्स्टीचुशनली ड्युटी है, व्यवस्था कायम रखना। इसलिए आप लोग, चाहे इधर के हैं या उधर के हैं, दोनों, भााण सुनिए। आप कृपया एक मिनट शांत रहिए। आप भााण सुनें, फिर जवाब दें। जिसको जिसका जवाब देना है, समय मिलेगा। इस तरह से आप करेंगे, तो एक अच्छी छवि नहीं बनेगी। पोटो अगर किसी को अच्छा नहीं लगता है या कुछ खराबी है; किसी को बहुत अच्छा लगता है, तो उनको अपनी बात कहने दीजिए। टोका-टोकी करने से पोटो बदल नहीं जाएगा। इसलिए बेहतर है, डिसकशन करके करिए। यह मैंने आपकी तारीफ में नहीं कहा है।

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): No, I have not said in favour of or against anybody because I hear a lot of noise from this side also. So, please do not take it that way. It is for everybody. This is a very serious issue. It is best to discuss this issue in the serious atmosphere at the level of this Parliament, Joint-Session of both the Houses. It is a serious discussion; it is not just a Central Hall where we sit and eat food. So, please sit down.

...(*Interruptions*)

श्री अरुण जेटली : महोदय, "सिमि" के दो पब्लिकेशन्स का मैं उल्लेख करना चाहूंगा ।

It says:

> "The ideologies of democracies, secularism and nationalism have replaced the objects of worship of the past. It is our duty to demolish these ideologies and establish caliphate as enjoined upon us. Osama bin Laden is not a terrorist and neither is Jammu and Kashmir an integral part of India. "

इस स्थिति से निपटना है, तो एक सुझाव माननीय देवेगौडा जी ने दिया। उनका कहना था कि जो पुराने कानून हैं, जैसे IPC और CrPC, तथा जैसा प्रतिपक्ष की नेता ने कहा कि आर्म्स एक्ट ले लीजिए - इन तमाम कानूनों के तहत आतंकवादी लोगों के ऊपर मुकद्दमा चला लें।

यह दुर्भाग्य है लेकिन सच्चाई है कि जितने भी हमारी अदालतों में इस प्रकार के कानूनों के तहत सीरियस क्राइम किये गये हैं, अगर हम देखते हैं कि हमारी कानून प्रक्रिया में क्या कमजोरियां हैं तो यह नयी चर्चा का विाय बन सकता है। सामान्य कानून की तहत जिन लोगों को सजा मिलती है उसकी संख्या आज साढ़े छः प्रतिशत है। नयी प्रक्रिया, नये कानून के पास नया तंत्र आज आतंकवाद का विरोध करने के लिए आया है उसका प्रयोग नहीं होता तो उसकी संख्या साढ़े छः फीसदी है लेकिन इसके अपवाद में हम देखते हैं कि उनकी आर्गेनाइजेशन, माफियाज के खिलाफ महाराट्र में पोटो जैसा कानून लागू किया गया।â€¦ (व्यवधान) I am sure, the Congress Party is going to get its own time. Let me complete my speech.

श्री शिवराज वि.पाटील (लाटूर) : उपसभापति महोदया, महाराट्र का उदाहरण यहां पर बार-बार दिया जा रहा है। हमने इस पर पहले रोका-टोकी नहीं की। मैं आपको बताना चाहता हूं कि महाराट्र में 58 केसेज लगाए गये और उसमें 75 प्रतिशत केसेज में सजा हुई, दूसरी जगहों पर 75,000 केसेज हुए लेकिन उसमें प्रतिशत कम हुआ, इसका ध्यान रखना बहुत जरूरी है। इसका ध्यान नहीं रखेंगे तो हमारे सदन में बैठे हुए सदस्यों को दिशा-भूल हो जाएगी। आखिरी बातâ€¦ (व्यवधान) मंत्री महोदय को मेरी बात का उत्तर देने दीजिएâ€¦ (व्यवधान) अगर यह बात गलत है तो मंत्री महोदय को इसका उत्तर देने दीजिए।â€¦ (व्यवधान)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय में राज्य मंत्री (श्री अशोक प्रधान) : जब माननीय सदस्य खुद खड़े होकर बोलते हैं तब इनको परेशानी नहीं होती।â€¦ (व्यवधान)

उप सभापति महोदय (राज्य सभा) : बात सुनिये, अभी मंत्री जी ने यह आग्रह किया था कि इधर-उधर की बातें करने से अच्छा होगा अगर पोटो में कोई सुधार करने का सजेशन आता है तो उसको वह सुनेंगे। वही वह बता रहे हैं, कोई उनको खिलाफ नहीं बोल रहे हैं।â€¦ (व्यवधान)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please sit down.

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Madam, either Shri Patil should be allowed to speak, or we will also interrupt him.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA) : I would not commit anything.

श्री शिवराज वि.पाटील (लाटूर) : आखिरी बात मैं यह कहना चाहूंगा कि मंत्री महोदय कानून मंत्री हैं और यह चर्चा राजनीतिक दृटि से हो रही है, इसलिए हम उनसे जानना चाहेंगे कि इस कानून का कौनसा प्रावधान टाडा से अलग है और कौनसे प्रॉविजन की मदद से आप क्रॉस-बार्डर टैरेरिजम रोक सकते हैं।

श्री विनय कटियार : उपसभापति महोदय, आपने मुझे बोलने की अनुमति नहीं दी लेकिन उनको दे दी। संसद कानून से चलती है, बिना कानून के नहीं चलती। क्या आप मुझे भी बोलने की अनुमति देंगी।â€¦ (व्यवधान)

DEPUTY-CHAIRMAN (RAJYA SABHA) : I will allow you. I would allow you to come here.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I would permit you, if you ask for permission. I would allow you. If you get

up to ask for a clarification, I will permit you to come over here and speak, but I would definitely not permit anybody from this side or that side to just interrupt while the Law Minister or any other Member is speaking.

श्री अरुण जेटलीः मैं शिवराज जी का आभारी हूं कि उन्होंने दो स्पटीकरण इसके अन्दर मांगे हैं।

उपसभापति महोदय (राज्य सभा) वह आभार मान रहे हैं।

श्री अरुण जेटलीः पहला तथ्य सच है कि सामान्य कानून जिस का माननीय देवेगौड़ा जी ने जिक्र किया था, उसके तहत इस प्रकार के जो मुकदमे चलते हैं, उसमें सजा की दर आज साढ़े छः फीसदी है। 93 फीसदी से ज्यादा लोग छूटते हैं। टाडा के सम्बन्ध में आपने पूछा कि क्यों लोग छूटते थे? इस कानून में महाराट्र में हालांकि कम संख्या में मुकदमे चले हैं लेकिन 77 परसैंट कनविक्शन रेट कैसे हैं और उनमें क्या अन्तर है वह मैं बताना चाहता हूं। पहला अन्तर यह था और मैं इसे दोहराना नहीं चाहता था। अगर गुजरात में कोई राजनीतिक दल राजनीतिक कारणों से 19 हजार किसानों को पकड़ लेगा तो उन 19 हजार किसानों के खिलाफ टाडा के तहत सजा हो पाएगी। शायद यह अपेक्षा किसी को नहीं थी। टाडा का जो दुरुपयोग उस प्रकार के शासन ने किया, उस पर एक व्यापक चर्चा हुई और सब लोग उसे स्वीकर करते हैं। टाडा के अन्दर लोगों को सजा न होने के पीछे एक प्रमुख कारण यह भी था।

दूसरा, पोटो और टाडा के बीच में अन्तर क्या है? टाडा कानून 1985 में बना था। 1985 में अन्तर्राट्रीय आतंकवाद दुनिया के अन्य देशों में इतना नहीं था लेकिन पिछले 17 वर्शों में देश के कई राज्यों और दुनिया के कई देशों को आतंकवाद के कानून से कैसे निपटना है इसमें उनको अनुभव अधिक हुआ है। मौजूदा कानून क्या कहता है, मैं इसे स्पट रूप से सामने रखूं तो अच्छा होगा। इसकी परिभाशा के संबंध में बहस होती है। एक भी उदाहरण ऐसा आ जाए कि कौन सी ऐसी आतंकवादी घटना या गतिविधि है, जो इस परिभाशा के अन्दर नहीं आती और कौन सी ऐसी नॉन टैरारिस्ट एक्टिविटी है जो उस कानून में आती है। टाडा की जो परिभाशा थी, सुप्रीम कोर्ट तक ने उस परिभाशा के संबंध में टिप्पणी की कि उस परिभाशा में दोश थे। डिसरप्टिव एक्टिविटी क्या होती है? डिसरप्टिव एक्टिविटी के नाम पर अनेक प्रकार के लोग उस कानून मे ले लिए जाते थे जो इस कानून में नहीं है। दूसरा, इस कानून के अन्दर एक स्पट प्रावधान है जो टाडा में नहीं था। जो व्यक्ति किसी प्रकार से आतंकवादियों को धन की सहायता देते हैं और पिछले 5-6 वर्शों में दुनिया में जितने आतंकवादी विरोधी कानून बने हैं, उसका एक पहलू यह था कि टैरारिज्म को पैसा देना, फंड देना भी टैरारिस्ट एक्टिविटी होगी. वह भी अपराध होगा। यह कोई दो विाय नहीं हो सकते। कोई व्यक्ति कश्मीर में विदेशी डॉलर भेजता है â€¦ (व्यवधान) I am not yielding.

DEPUTY-CHAIRMAN (RAJYA SABHA): I am not permitting you. Please take your seat.

...(*Interruptions*)

SHRI ARUN JAITLEY: Madam, I am not yielding...(*Interruptions*)

DEPUTY-CHAIRMAN(RAJYA SABHA) : Hon. Member, I am not allowing you because the hon. Minister is not yielding.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Nothing is going on record.

*(Interruptions)**

DEPUTY-CHAIRMAN (RAJYA SABHA): Please take your seat. He has to finish his speech and then there are other hon. Members who have to speak. Please take your seat.

श्री अरुण जेटलीः सभापति महोदय, कोई व्यक्ति आतंकवाद की सहायता करने के लिए देश के भीतर या विदेश से अगर धन की सहायता करता है, विदेशी मुद्रा की सहायता करता है तो आज विदेशी मुद्रा के संबंध में देश में बड़ा नरम कानून फेमा नाम का है। कश्मीर में जो लोग पकड़े जा रहे हैं, क्या केवल उस कानून का प्रावधान उन पर लगा कर कुछ हर्जाना कर दिया जाए या आतंकवाद के लिए पैसा आता है तो उसको आतंकवादी गतिविधि माना जाए, यह प्रावधान पोटो में किया गया है। दूसरा, प्रावधान जो पोटो के अन्दर किया गया है कि अगर आतंकवाद के माध्यम से कोई व्यक्ति धन या सम्पत्ति बनाता है तो सरकार उस सम्पत्ति को जब्त कर

लेगी। जब कांग्रेस पार्टी का शासन था, ऐसे अनेकों कानून बने कि जो तस्करी से धन कमाता है, ड्रग्स स्मगलिंग से जो धन कमाता है, उसको अपनी सम्पत्ति नहीं मान सकता, सरकार उसे जब्त कर लेगी। जब तस्करी के लिए यह लागू हो सकता है तो स्वाभाविक है कि दुनिया के हर आतंकवाद विरोधी कानून में यह प्रावधान है। पोटो में यह प्रावधान पहली बार किया गया है। Profits of terrorist crimes would be confiscated by the State. यहां बार-बार जिक्र आता है कि आतंकवादी संगठनों पर प्रतिबंध लगेगा। अब आतंकवादी संगठनों पर प्रतिबंध लगाना, टॉडॉ के अंतर्गत इसका प्रावधान नहीं था। यह प्रतिबंध पहली बार पोटो में लाया गया है। जो लॉ कमीशन ने पहला कानून बनाया था, उस ड्राफ्ट में नहीं था। हमने विश्व में विशेाकर ब्रिटेन का कानून देखा है जिससे हमें लगा कि इसकी आवश्यकता है। यहां इस बात की आलोचना की गई कि आतंकवादी की कोई सदस्यता नहीं होती। फिर किस प्रकार पता चलेगा कि कोई उसका सदस्य है या

*Not Recorded.

नहीं?। इस कानून में स्पट रूप से लिखा है कि अगर प्रतिबंध लगने के बाद कोई व्यक्ति उसकी गतिविधियो में शामिल होता है तो वह उसका सदस्य माना जायेगा। यहां तक कि महाराट्र और कर्नाटक में जो कानून हैं, जैसे यहां आरग्नाइज्ड क्रिमिनल सिंडिकेट - ऐसे शब्दों का प्रयोग किया गया है। अगर यही तर्क उन कानूनों के संबंध में लगता तो क्राइम सिंडिकेट की कोई सदस्यता नहीं होती। लेकिन जो सिंडिकेट के सदस्य के रूप में उसकी गतिविधियो में शामिल होता है और जिस प्रकार की वहां सफलता मिल रही है और सक्सैस रेट 77 प्रतिशत कहते हैं, शायद वही प्रावीजन इस कानून के अंदर लागू है। अगर श्री शिवराज पाटील जी इस ओर ध्यान देंगे तो मालूम होगा कि इसका सबसे बुनियादी अंतर टॉडा पर पड़ा। टॉडा में इस प्रकार दूर-संचार का माध्यम था, उनको इंटरसैप्ट करना लेकिन उस इंटरसैप्ट को ऐविडेंस के रूप में प्रयोग किया जाना टॉडा में नहीं था। अगर महाराट्र में सक्सैस रेट 77 परसेंट है तो उसका यही कारण है।

हम लोग श्री विलासराव जी के आभारी हैं जिन्होंने यह सुझाव दिया कि पोटो के ड्राफ्ट में ऐसा प्रावधान नहीं रखा गया है और इसे अपने कानून में लाइये क्योंकि महाराट्र में इसका अनुभव सफलतापूर् वक रहा है। आज जो लोग टैरेरिस्ट के खिलाफ गवाही नहीं देते हैं, उन से डरते हैं, उसके बारे में कह रहे थे कि पूर्व सेना प्रमुख के परिवार के सदस्य गवाही के लिये आगे नहीं आये और वे लोग छूटते रहे। यदि इंटरसैप्ट होगा तो उसके माध्यम से आतंकवादियों का पता चलेगा। दूसरे, यह मालूम होगा जैसा इंटरसैप्ट में लिखा है, कि उनकी ऐविडेंस कोर्ट में उनके खिलाफ प्रयोग में लायी जायेगी। इसके अंदर प्रावधान ऐसा है जिसकी सब से अधिक आलोचना होती है। यह अत्यंत खेद का विाय है। जो जमानत के संबंध में प्रावधान टॉडॉ में थे, उसे न केवल सरल किया गया है बल्कि यह लिख दिया गया है कि जमानत का यह प्रावधान एक वर्ा के लिये लागू होगा और उसके बाद सामान्य कानून लागू होगा The tight bail provisions will apply only for one year. Thereafter, the normal bail provisions will apply.

अब बार-बार हमें कहा जाता है कि इसमें बेल प्रोवीजन ड्रेकोनियन हैं। इस संबंध में पहला प्रश्न यह है कि टैरेरिस्ट का जो आत्मघाती जत्था है, क्या वह भारत के कानून को इज्जत देगा, मान्यता देगा? ऐसी स्थिति नहीं है। उन्हें जमानत मिलेगी और अदालत के सामने अगली पेशी में आयेगा, इसकी संभावना भी बहुत कम है। कई लोग यहां प्रश्न उठा रहे हैं कि उन्हें जमानत मिले। तो मैं बताना चाहूंगा कि उनके लिये जमानत का प्रावधान है, विशेा प्रावधान एक वर्ा के लिये है। हमें कहा जा रहा है कि यह बहुत कड़वा, ब्लैक लॉ और ड्रेकोनियन है।

सभापति महोदय, मैं आपके माध्यम से कांग्रेस के सदस्यों को याद दिलाना चाहूंगा कि यही एकमात्र ऐसा कानून नहीं है बल्कि 1974 में, जब कांग्रेस की सरकार सैंटर में थी, नॉरकोटिक्स कानून, ई.सी.ए.के संशोधित कानून में जमानत का प्रावधान था और जब डैंजर एंड डैमेज ऑफ सिविल ऐविएशन का कानून 1989 में लाये, उसमें जमानत का प्रावधान था। महाराट्र,, कर्नाटक, आन्ध्र प्रदेश के कानूनों में यह प्रावधान है लेकिन हमें कहा जा रहा है कि आप राजनैतिक कारणों से यह कानून लेकर आये हैं। हम इसे राजनैतिक कारणो से लाये हैं या आप राजनैतिक कारणों से इसका विरोध कर रहे हैं, इस विाय पर दोनों सदनों की आम सहमति से तय हो जाना चाहिये। इसमें नेता प्रतिपक्ष ने एक आलोचना यह की है कि पुलिस को दिया गया बयान - Confessional statements made to the police are admissible evidence. यहा एकमात्र कानून नहीं है जहां ऐसी स्थिति है। महाराट्र और कर्नाटक के कानूनों को नेता प्रतिपक्ष ने पौलिटिकल मोटिवेटेड नहीं कहा लेकिन जब आतंकवाद के खिलाफ कानून बनाया जा रहा है तो हमें कहा जा रहा है कि इसका प्रावधान राजनैतिक कारणों से किया जा रहा है। इस कानून के पीछे यह तर्क है कि इस व्यवस्था के पीछे जितने भी आतंकवादी संगठन होते हैं, जब उनकी गतिविधियां चलती हैं, उनके भीतर ाडयंत्र रचे जाते हैं, उस समय कोई बाहर का आदमी आकर नहीं बताता कि क्या रचा गया। जिन लोगों ने संसद पर प्रहार किया, उनके पीछे कौन था, उनका गाज़ी बाबा से क्या संबंध था, यह आप लोगों में से कोई नहीं बतला सकता। इसे उस संगठन के भीतर के लोग बता सकते हैं।

यहां जिक्र किया गया और यह दुर्भाग्य की बात है कि आतंकवाद के चलते हमारे दो भूतपूर्व प्रधान मंत्रियों की मृत्यु हुई। उनमें से एक मुकदमे में जब माननीय राजीव गांधी जी की हत्या हुई तो केवल वही संगठन एल.टी.टी.ई. के लोग भीतर से बता सकते थे कि ाड्यंत्र में कौन-कौन शामिल था और उसकी गवाही दे सकते थे। बाहर का कोई व्यक्ति यह आकर नहीं बतला सकता था कि एल.टी.टी.ई. के व्यक्ति अपनी बैठको में क्या तय करते थे, कौन पैसा देगा, आर.डी.एक्स. कौन देगा, ए.के.-47 कौन देगा और इसलिए तमाम एन्टी-टैरेरिस्ट लॉज में एन्टी-इनसर्जेन्सी लॉज में इस प्रकार के प्रावधान को डालना, उस कानून की मदद करना है, जिससे कि समाज को उस कानून से हम लोगों को बचा पायें। यह केवल अपने यहां नहीं है। इस प्रकार की व्यवस्था, विशेा व्यवस्था अन्य स्थानीय कानूनों में इस देश के अंदर की गई है और उनका सफल प्रयोग रहा है।

सभापति महोदय, बार-बार जिक्र आता है कि आपने किससे चर्चा की। प्रतिपक्ष के नेताओं की भी बैठक हुई, होम मिनिस्ट्री की कंसल्टेटिव कमेटी की दो बैठकें हुईं, मुख्य मंत्रियों से राय मांगी गई, अधिकतर राज्यों ने इसका समर्थन किया। लॉ कमीशन से पूछा गया, लॉ कमीशन ने इसका समर्थन् किया। फिर कहा जाता है कि जो स्टेटुटरी बॉडी ह्यूमैन राइट्स कमीशन है, ह्यूमैन राइट्स कमीशन ने कहा कि इस कानून की आवश्यकता नहीं है इसलिए आपको यह कानून नहीं बनाना चाहिए। मैं बड़ी विनम्रता से कहना चाहता हूं कि आतंकवाद के खिलाफ लड़ाई कैसे लड़ी जाती है। जिन लोगों को एन्टी-इनसर्जेन्सी के खिलाफ लड़ाई लड़ने का अनुभव है, जो सुरक्षा विभागों में अधिकारी रहे हैं, उनमें इस विाय में कहीं दो मत नहीं हैं। राजनीतिक व्यवस्था में दो मत हो सकते हैं। लेकिन सिक्युरिटी एक्सपर्ट्स में इस देश में कहीं दो मत नहीं हैं कि आपको एन्टी इनसर्जेन्सी के खिलाफ किस प्रकार का कानून चाहिए। ठीक है, ह्यूमैन राइट्स कमीशन ने कहा, लेकिन मैं यह भी बतला दूं कि यह भी शंका व्यक्त की गई कि इसका दुरुपयोग भी हो सकता है।

सभापति महोदय, मैं दो विाय इस संबंध में रखना चाहूंगा। सुप्रीम कोर्ट के सामने यह विाय आया कि क्या इस टाडा कानून का दुरुपयोग हो सकता है और क्या समाज को इस प्रकार के कानून की आवश्यकता है। सुप्रीम कोर्ट ने यह कहा -

> "It is the duty of the courts to accept a construction which promotes the objects of the legislation and also prevents its possible abuse even though the mere possibility of abuse of a provision does not affect its constitutionality or construction. Abuse has to be checked by constant vigilance and monitoring of individual cases, and this can be done by screening cases by a suitable machinery at a high level. Persons aware of instances of abuse including the National Human Rights Commission can assist by reporting such instances with particulars to the machinery for prompt and effective cure.

However, that is no reason in law to doubt its constitutionality or to alter the proper construction when there is a felt need by Parliament for enacting such a law to cope with and prevent terrorist and disruptive activities threatening the unity and integrity of the country."

मैं यह सुप्रीम कोर्ट के फैसले से पढ़ रहा था। कपिल जी को ये शब्द पहचाने हुए लग रहे हैं, क्योंकि शायद वही इसमें पेश हुए थे और मौजूदा ह्यूमैन राइट्स कमीशन के चेयरमैन श्री जे.एस.वर्मा ने इन शब्दों के अंदर कि एब्यूज हो सकता है, इसलिए कानून बनाना छोड़ दो, यह कोई तर्क नहीं है। जब लॉ कमीशन ने सबकी राय ली कि किस प्रकार का कानून चाहिए तो मैं केवल दो वाक्य पढ़ देता हूं -

"Is the existing law without a slightly more stringent law to deal with the special situation sufficient? Or should there ought to be some special provisions for dealing with this extraordinary situation?

Now, the state in the country is such that this extraordinary situation really has not improved. If at all, it has worsened particularly in some areasâ€¦. "

16.00 hrs.

"â€¦ Now, if the terrorist activities and militancy have to be controlled which are continuing and while this does not seem likely, in the near future, that it will get over, then should we not have a special law for that purpose? I will tell you straightway personally my own view − that is the personal opinion − that is, some special provisions are needed to deal with this extraordinary situation. I cannot be doubted that wherever there is a conflict of this kind, you have to choose between the available options, then public interest and society's interest have to be uppermost and that must prevail over individual interest; if it is not possible to preserve both, even in such a situation, care should be taken to ensure that the impact of individual interest is also minimal possible."

This is what the Chairman of the Human Rights Commission had to tell the Law Commission that the larger interest of the society, in a society affected by terrorism and insurgency must really prevail; and therefore, it must prevail where individual interests are involved.

महोदय, जब बार-बार यह आरोप लगा कि टाडा का दुरुपयोग हुआ, और नए कानून का दुरुपयोग न हो पाए, सरकार को भी इस विाय की चिन्ता थी, और लॉ कमीशन को भी इस विाय की चिन्ता थी। ह्यूमन राइट्स कमीशन के चेयरमैन ने भी कहा कि देखिये इसमें दुरुपयोग की संभावना सबसे कम की जाए, इसके लिए प्र ायास होना चाहिए। केवल परिभाा की दृटि से नहीं रेव्यू कमेटी का गठन होता। बार-बार यह तर्क दिया गया कि जो रेव्यू कमेटी आपने बनाई है उसके केवल रिटायर्ड जज या सिटिंग जज अध्यक्ष होंगे और दो विशेा सचिव होंगे, इसलिए यह रेव्यू कमेटी ठीक नहीं है। लेकिन महाराट्र और कर्नाटक में जो रेव्यू कमेटी बनाई गई, उसमें किसी जज को रखा ही नहीं, चीफ सैक्रेटरी को उसका अध्यक्ष बना दिया और दो सैक्रेटरीज़ को उसका सदस्य बना दिया। â€¦ (व्यवधान) अमर सिंह जी अगर यह एतराज़ रखते हैं तो â€¦ (व्यवधान) आपको अधिकार होगा, लेकिन शायद यह विचार आपके साथ बैठे लोगों से आता कि केन्द्र में हाई कोर्ट का जज अध्यक्ष है तो रेव्यू कमेटी शैम है लेकिन महाराट्र या कर्नाटक में चीफ सैक्रेटरी अध्यक्ष है तो उनके साथ दोनों कानून उस स्थिति से निपटने के लिए ठीक हैं। रेव्यू कमेटी हर प्रांत में जो बनाई गई है उन दोनों कानूनों में, उसका चीफ सैक्रेटरी अध्यक्ष है और दो सैक्रेटरीज़ उसके सदस्य हैं। â€¦ (व्यवधान) महोदय, गुजरात में जो रेव्यू कमेटी बनेगी, केन्द्र के कानून के तहत बनेगी और हाई कोर्ट जज उसका अध्यक्ष होगा। अगर उसका दुरुपयोग होता है तो हाई कोर्ट जज उसके दुरुपयोग को रोकेगा। â€¦ (व्यवधान) यह चिन्ता थी और यह चिन्ता स्वाभाविक थी कि क्या पुलिस को दिया गया बयान कोर्ट में बयान और एविडेन्स माना जा सकता है। टाडा के तहत माना जाता था। इस कानून में सुप्रीम कोर्ट ने और लॉ कमीशन ने जितने सेफगार्ड बताए, उतने हमने डाले। पहला सेफगार्ड यह कि जो व्यक्ति कनफैस करता है, अपना बयान पुलिस को देता है, 48 घंटे के भीतर न्यायिक अधिकारी के सामने उसे पेश किया जाएगा। न्यायिक अधिकारी उससे पूछेगा कि क्या आपने यह बयान दिया या नहीं। यदि वह व्यक्ति कहता है कि मुझे यातना देकर या जोर-ज़बर्दस्ती से यह बयान लिखवाया गया तो वह उसकी मेडिकल जांच करवाएगा। जब उसका इंटैरोगेशन होगा, उसके दौरान उसका वकील मौजूद होगा। वकील से उसको मिलने का अधिकार दिया जाएगा। सुप्रीम कोर्ट ने बसू के मुकदमे में जो सेफ गार्ड बताए थे उन सारे सेफगार्डों को इसके अंदर शामिल किया गया है। जमानत के मामले में भीâ€¦ (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : The entire nation is watching the telecast....(*Interruptions*) Will the Law Minister enlighten the House as to how many terrorists belonging either to the Lashkar-e-Taiba or Harkat-ul-Mujahedeen have been arrested so far?...(*Interruptions*)

श्री अरुण जेटली : महोदया, मैं निवेदन करना चाहता हूं किâ€¦ (व्यवधान)

DEPUTY-CHAIRMAN (RAJYA SABHA): As per the list that I have, Shri Kapil Sibal will be speaking after the Law Minister.

जेटली जी, आप जल्दी खत्म कीजिए।

...(*Interruptions*)

श्री अरुण जेटली : महोदया, जमानत के मामले में भी एक वर्ा के लिए यह प्रावधान लागू होगा। उसमें यह एक सेफ गार्ड रखा गया है। उन कानूनों में यह नहीं था। राज्यों के कानूनों में यह नहीं था, लेकिन इस कानून में यह है। इसलिए मैं कहना चाहता हूं कि जितने भी सेफगार्ड थे, वे इसमें रखे गए हैं।

एक प्रश्न माननीय मुलायम सिंह जी ने यह उठाया था कि अमरीका के अंदर क्या स्थिति है। मैंने कई बार यह पढ़ा कि अमरीका के अंदर तो यह कानून है कि कोई वहां का स्थानीय नागरिक सात दिन से ज्यादा जमानत पर पकड़ी ही नहीं जा सकता था। अमरीका में पहले भी यह कानून था और 11 सितम्बर की घटना के बाद भी नया विशेा कानून बना। ब्रिटेन में पिछले वर्ा बना, जर्मनी में बना, फ्रांस में बना। â€¦ (व्यवधान)

श्री मुलायम सिंह यादव : वहां जो कानून लागू है वह वहां के रहने वालों पर लागू नहीं होगा।â€¦ (व्यवधान)

श्री अरुण जेटली : महोदया, युनाइटेड नेशन्स का जो 28 सितम्बर का 1373 प्रस्ताव था, उसके बाद हर सदस्य देश के लिए यह अनिवार्य था कि वह अपने यहां कानून बनाए यहां तक कि पाकिस्तान के लिए भी। पाकिस्तान ने पहले अगस्त में जो कानून बनाया, उसमें तबदीली की जरूरूत पड़ी। अमरीका की स्थिति आप थोड़ी समझ लीजिए। यहां कहा गया कि 11 सितम्बर की जो घटना हुई â€¦ (व्यवधान)

महोदया, मैं मुलायम सिंह जी की शंका का उत्तर दूं कि 11 सितम्बर की घटने के बाद ऐसा माना जाता है कि उसकी संख्या तक नहीं दी गई है। मैं बताना चाहता हूं कि 1200 से अधिक लोग पकड़े गए हैं। उनमें विदेशी भी हैं, जेहादी भी हैं, वहां के नागरिक भी हैं। उनमें वहां के पासपोर्ट होल्डर भी हैं। किसी को जमानत नहीं, कोई छूटा नहीं। किन ट्रिब्यूनल्स के सामने उनके खिलाफ मुकदमे चल रहे हैं प्रेसीडेंश्यल डिक्रीज के तहत, उसका हम लोग पूरा अध्ययन कर लें और ये लोग जो गलत प्रचार करने के लिए बीच में कहते हैं कि वहां के स्थानीय नागरिक आतंकवाद भी करेंगे, वर्ल्ड ट्रेड सेंटर पर बारूद भी फेंकेंगे और उनको पकड़ा भी नहीं जाएगा ? â€¦ (व्यवधान)

श्री मुलायम सिंह यादव : अमरीका में कितने पकड़े गए, यह संख्या बताएंâ€¦ (व्यवधान)

श्री अरुण जेटली : वह मैं आपको विदेश मंत्रालय से पता कर के बता दूंगा। यह कैसे हो सकता है कि स्थानीय नागरिक आतंकवाद करेगा और उसके विरुद्ध आतंक वाद के विरुद्ध कार्रवाई नहीं होगी।â€¦ (व्यवधान)

महोदया, यह इतिहास तय करेगा कि आतंकवाद के खिलाफ लड़ाई में 180 का डिग्री का टर्न किस ने लिया है । यह इतिहास तय करेगा कि आतंकवाद के खिलाफ लड़ाई में हम यह चाहते हैं कि यह देश बंटा हुआ दिखाई दे या एक दिखाई दे। मुझे विश्वास है कि आज दोनों सदनों की इस संयुक्त बैठक में जो आम राय बनेगी, इस देश की संयुक्त राय यही बनेगी कि इस राट्र को, इस कानून की बहुत आवश्यकता है।

DEPUTY-CHAIRMAN (RAJYA SABHA): I gave your paper which you sent to me to the Law Minister. Whatever explanation you had asked for, I have passed it on to him. Now, I call upon, Shri Kapil Sibal.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Where is a gavel over here? I do not have one.

SHRI KAPIL SIBAL (BIHAR): Madam Deputy-Chairpersonâ€¦...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Now, he has got the right to speak in whichever language he wants to speak. You cannot force anybody to speak in one language. He can speak in any language he likes. वह भारत की जिस किसी भी भाा में बोलना चाहें, उसमें बोल सकते हैं।

...(व्यवधान)

SHRI KAPIL SIBAL : Madam Deputy-Chairperson, I consider it my good fortune to be standing before you today to participate in this historic debate in a Joint Sitting of both Houses of Parliament. But I also consider it my misfortune that I am participating in a debate that has sought to and will continue to seek to divide this nation.

I have great respect both for the Home Minister and my good friend, Shri Jaitley and I was a little puzzled when Shri Jaitley talked about 11th September and referred to the manner in which the people of the United States stood united behind the President of the United States. Let me remind him that on December 13, when the attack took place on Parliament, all political parties stood united against terrorism. I only want to ask my learned friend one question. In the United States, do we have a Governor of any State who quotes the Newton's third law of motion? In the United States, do you have the likes of Shri Narendra Modi?â€¦ (*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please sit down. गौतम जी, आप क्या कर रहे हैं। आप बैठ जाइये। Everybody should sit down.

SHRI KAPIL SIBAL : In the United States, have we had, in the recent past, evidence of State-sponsored terrorism? In the United States, have we had a Godhra and the killings after Godhra?...(*Interruptions*)

उप सभापति महोदय (राज्य सभा) : अभी सब अमरीका जा रहे हैं, उन्हें भी जाने दीजिए।

â€¦ (व्यवधान)

DEPUTY-CHAIRMAN (RAJYA SABHA): Everyone referred to the United States. He is also referring to it now. Please sit down.

...(*Interruptions*)

उप सभापति महोदय (राज्य सभा) : सरोज जी, आप भी बैठ जाइए। आप लोगों को माइक की जरूरत नहीं है, मुझे तो माइक भी चाहिए होता है and still you do not hear.

SHRI KAPIL SIBAL : Shri Jaitley, one last question. In the United States did we ever have a macabre by choreographed dance of terror of mayhem, arson and loot that made blood thirsty animals of otherwise decent human beings? ...(*Interruptions*)

उप सभापति महोदय (राज्य सभा) : कृपया तशरीफ रखिए, अपना स्थान ग्रहण कीजिए। बैठ जाइए। उन्हें बोलने दीजिए।

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please sit down.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Listen to him first and then I will permit you.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I cannot hear you, please sit down. The question was put to the Law Minister and I think the Law Minister is competent enough to answer it. So, let him answer the question. Why should everyone of you become the Law Minister? Everyone is becoming a Minister. He is questioning the Law Minister. If the Law Minister wants to answer, I will permit him. But why everybody wants to don the mantle of the Law Minister without taking the oath as such? Please sit down.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I have not allowed you. I will allow you if you ask for my permission.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Okay. But, let him speak first.

श्री कपिल सिबल : आप इतना उत्तेजित क्यों हो रहे हैं?â€¦ (व्यवधान)

उप सभापति महोदय (राज्य सभा) : आप एक मिनट बैठ जाइए।

...(*Interruptions*)

उप सभापति महोदय (राज्य सभा) : अभी उन्होंने भााण शुरू नहीं किया।

â€¦ (व्यवधान)

उप सभापति महोदय (राज्य सभा) : आप इधर आकर बोलिए।

â€¦ (व्यवधान)

DEPUTY-CHAIRMAN(RAJYA SABHA) : Let him have the clarification. Law is equal to everybody at least as far as I am concerned.

...(*Interruptions*)

SHRI KIRTI JHA AZAD (DARBHANGA): I would like to seek a clarification. You have permitted me to seek a clarification. They cannot take away my right. ...(*Interruptions*)

DEPUTY-CHAIRMAN(RAJYA SABHA) : Please sit down. I had allowed Shri Shivraj Patil. I allowed two people. Now

please sit down. You were not in the House when I allowed Shri Shivraj Patil. I allowed Shri Mulayam Singh Yadav also. Justification demands that he should also be allowed.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I am doing my constitutional duty. I am neither on this side nor that side. I have allowed two people from this side; so, one person will be allowed from that side also. Shri Azad, are you sure that you want to seek a clarification?

SHRI KIRTI JHA AZAD: Yes, Madam. ...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please sit down. I cannot hear you. Let me handle it.

...(*Interruptions*)

उपसभापति महोदय (राज्य सभा) : आप बैठिये, मुझे सुनने दीजिए न। आप एक मिनट बैठिये।

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I allowed Shri Shivraj Patil.

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Madam, I have the right to ask as to how he is there to speak. Under what capacity he is allowed to speak? I would like to know on this pointâ€¦...(*Interruptions*)

SHRI KIRTI JHA AZAD : Madam, how can he mislead the House like this? I just want a clarification from him. After all, I am also a Member of Parliament and I am entitled to ask him a clarification. You have permitted me to speak. They have no right to infringe upon my right as you have given me permission.....(*Interruptions*) He is misleading the House at the very beginning itself. So, why should I not be allowed to speak?.....(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Let him at least start his speech.

...(*Interruptions*)

SHRI KIRTI JHA AZAD : At the very beginning of his speech, he has misled the House by giving wrong information. I want a clarification on that point. That is itâ€¦...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): If you all speak like this, I cannot preside. I will not preside, if you do not allow me to speak.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please take your seats. Let my voice be heard.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): You may speak if he yields. Shri Kapil Sibal, are you yielding?

SHRI KAPIL SIBAL : No.

DEPUTY-CHAIRMAN (RAJYA SABHA): Shri Azad, he is not yielding. Please go back to your seat.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): He has agreed to go back to his seat. Shri Azad, I promise that I will allow you afterwards and not now. Let him finish his speech.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I would have permitted if Shri Kapil Sibal had yielded. He is not yielding. I will allow you later on. Please go back to your seat.

...(*Interruptions*)

SHRI KIRTI JHA AZAD : Madam, on your promise, I am going back and not on their protestingâ€¦...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Now, will you take your seats?

...(*Interruptions*)

उपसभापति महोदय (राज्य सभा) : आप कृपया बैठ जायें। एक मिनट बैठिये तो, शान्ति से बैठिये। बैठ जाइये।

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please sit down. I cannot shout like you even with two mikes. Please sit down.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please sit down.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I will permit.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I will permit him, not now.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): There is some kind of a rule. I am telling you. Just one minute. I know the rules very well. Please sit down. Take your seats. Cool down. I will permit him. Please sit down. I will permit him. Please sit down. आप बैठिए तो। आप 700 लोग एक साथ बोलेंगे तो मेरी आवाज सुनाई नहीं देगी।

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I will permit him. Only when the Law Minister yielded, did I allow the Deputy-Leader of the Opposition, Lok Sabha, to speak. Let Shri Kapil Sibal yield, I will permit him. I did not allow Shri Deve Gowda to speak. He wrote it down and I gave it to the Law Minister. Please take your seats.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I will permit him later. Please sit down. भााण तो होने दीजिए।

...(*Interruptions*)

SHRI KIRTI JHA AZAD : Madam, I am sitting down only because of you, and not because of them. ...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Thank you very much. I am very obliged to you. Please sit down.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): All right. I will give you time.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): I will give you time. Let him speak.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Cool down.

...(*Interruptions*)

DEPUTY-CHAIRMAN(RAJYA SABHA) : Now no interruptions please. Let us hear Shri Kapil Sibal. I did not allow anybody to interrupt the Law Minister. Only when he yielded, I allowed. If he yields, I will allow him now. Since he is not yielding, I will allow him later on. I promise that I will allow you later on, but not now and not immediately.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Let Shri Kapil Sibal speak.

...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): You are eating up the time of Shri Kapil Sibal. Please do not do that.

...(*Interruptions*)

SHRI KAPIL SIBAL : Madam, Deputy-Chairperson, there really was no need for us to have this special sitting of both the Houses, if the Government had looked at the matter with some objectivity. The speeches made in this House today are evidence of the fact that not only is the polity of the country divided on this issue, but the people of this country are also divided on this issue. ...(*Interruptions*) Time and again, on several occasions, we beseeched this Government, we requested this Government to send the matter to a Joint ParliamentaryCommittee.

When the matter was moved in the Council of States, I moved an amendment for matter to be referred to a House Committee. But the Government did not yield because the Government really was not interested in negotiations....(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): Please listen to him. If you do not listen to him, how are you going to answer him if your chance comes? So, you better listen to him peacefully.

...(*Interruptions*)

उप सभापति महोदय (राज्य सभा) : आप अगर शांति से भााण सुनेंगे तो ही जवाब दे पाएंगे वर्ना आप क्या जवाब देंगे, इसलिए सुनिए।

SHRI KAPIL SIBAL : There is still time. The Government can even today decide to have the matter referred to a Committee so that all points of view can be taken care of, and, if necessary, a law of this nature may be passed or the existing provisions may be amended. ...(*Interruptions*) That has been our position. That continues to be our position. In fact, I do believe that this is the time to heal and bring together, not to stigmatise, to move forward through dialogue and consensus, not move backward in time and civilised conduct to push through such a legislation as the one that we have selected to discuss today. It is ironic that those who swear by POTO also swear by democracy. The manner in which POTO is being pushed through with the iron fist of a brutal and brutalised majority is contemptuous, undemocratic, in disregard of the feelings, fears and insecurities of millions of our citizens. आप लोग जानना चाहते हैं कि हम इस कानून का विरोध क्यों कर रहे हैं और उसका जवाब मैं आज आपके सामने रखना चाहता हूं कि मैं कोई राजनीतिक बात नहीं करूंगा।â€¦ (व्यवधान) अगर आप सुनेंगे नहीं तो देश की जनता को ऐसा लगेगा कि आप दूसरा व्यू-प्वाइंट सुनना नहीं चाहते हैं। अगर आप यही चाहते हैं तो मैं जाकर बैठ जाऊंगा और अपना कानून पास करा लीजिए। अगर आप ऐसा चाहते हैं तो मैं बहस नहीं करूंगा। आप सुनना नहीं चाहते हैं तो कह दीजिए, उठकर खड़े हो जाइए और कह दीजिए।â€¦ (व्यवधान)

उप सभापति महोदय (राज्य सभा) : अलग-अलग तरह के ख्यालात होते हैं, अलग-अलग तरह के व्यू-प्वाइंटस होते हैं, अलग तरह की आइडियोलॉजीस होती है, उसी का नाम जनतंत्र है, डैमोक्रेसी है। अगर इतना भी सुनने का साहस नहीं है तो यह अच्छी प्रथा नहीं डाल रहे हैं। उनको बोलने दीजिए। आपको भी मौका मिलेगा तो आप बोल लीजिएगा। अभी तो बात ही शुरू नहीं हुई है, आप बैठ जाइए। अब कोई आवाज नहीं करेंगे।

â€¦ (व्यवधान)

DEPUTY-CHAIRMAN (RAJYA SABHA): I will be highly obliged to you if you listen peacefully.

SHRI KAPIL SIBAL : Madam, on the 20th of July, 1999, the Law Commission wrote to the Human Rights Commission to find out the state of the police and how it is exercising its powers under the ordinary laws of this country. I refer to Report Number 177 of the Sixteenth Law Commission. They looked at several States and the way the Police conducts itself in several States in this country. They chose particular districts. Some startling data - which perhaps is to the knowledge of the Government, now that I got it from the web-site of the Law Commission - has come to light. When I place that data before you, you will then realise the reason for our opposition to POTO. This is not a political issue but it affects the basic structure of our polity. Let me place those facts before you.

The Human Rights Commission set up a Committee. In the State of Uttar Pradesh, this is what is found. What was found was that the total number of persons arrested, surrendered is around three lakh; the number of persons arrested under preventive provision of law is as high as 4,79,404. Obviously, preventive provisions mean provisions like Sections 151, 107, 111 of the Cr Pc and similar provisions in local enactments.

Another disturbing feature is the percentage of arrests made in relation to bailable offences. It is as high as 45 per cent. What does that show you? That shows you the conduct of a police officer, who is liable, who is obliged under the law to grant a bail in respect of a bailable offence. In the State of Uttar Pradesh, 50 per cent of the people are arrested despite the offences being bailable. I now go to the State of Maharashtra. I am not excluding the Congress-ruled States. This is the Report of 1999-2000. In Maharashtra, the situation is like this. This is what the Law Commission states: "Then, again, the arrest made in relation to bailable offences is something un-understandable. It is 72 per cent and 67 per cent respectively in the State of Maharashtra."

Then, comes the State of Gujarat. It is said:

> "The Committee is of the view that more and more powers are being given to the Police under various social and economic laws including the power of arrest. This should also be reviewed in the
>
> light of increasing allegations of misuse of power by the law enforcement agencies..."

This is the same Law Commission which has made a draft proposal on POTO. It is the same Law Commission which is saying that the increasing allegations of misuse of power by the law enforcement agencies should result in curbing the power of police officers. What are we doing under POTO? We are giving them such drastic powers which the Police under ordinary law misuses in a rampant manner. What will they do under POTO ? ...(*Interruptions*)

I am talking of the ordinary law. If under the ordinary law, this is the state of enforcement agencies of this country, we can imagine what will be the position if drastic powers are given to Police officers under POTO? What will happen to the ordinary citizens of this country? That is the question before all of you today.

In the State of Karnataka, the arrests in bailable offences are as high as 84.8 per cent. I can go on from State to State. But ultimately, this is what the Law Commission says and the broad features disclosed through this data are:

> "The percentage of arrests in bailable offences is unusually large, ranging from 30 per cent to more than 80 per cent. The said material fully bears out the statement in the Third Report of the National Police Commission to the fact that the arrests made 60 per cent were either unnecessary or unjustified and that just unjustified Police action accounted for 43.2 per cent of the expenditure in jails."

श्री विनय कटियार : उस समय कांग्रेस का शासन था। आप अपनी ही मुखालिफत कर रहे हैं। â€¦ (व्यवधान)

SHRI KAPIL SIBAL: The Law Commission furthers says:

> "Those are 20-year-old figures. The position cannot be better if not worse."

I am very intrigued to hear my good friend, Shri Jaitley to talk about the 180-degree turn that the Congress Party is supposed to have made. Let me remind my good friend and hon. Members of the Treasury Benches what some of them said as far back as 1989 when TADA was brought for extension. I quote Shri Yashwant Sinha. सिन्हा साहब, 11 मई, 1989 में टाडा कानून को दो साल बढ़ाने की बात पर आपने कहा था।

May I remind you? You said:

> "I would like to go on record for posterity that if ever there was an Act which was a blot on the fair name of democracy, it is this. By this Act we have destroyed completely perhaps for all times to come what is known as the rule of law."

It is the TADA. Now, of course, you must be upholding the rule of law. You further said:

> "If the Rowlatt Act was not fit for human beings, I wonder how TADA is fit for human beings. What would be a greater shame than that, what would be a greater blot on the name of democracy? I did not compare Rowlatt Act with this TADA, I said it is much worse than the Rowlatt Act."

श्री नरेन्द्र मोहन (उत्तर प्रदेश) : हमें टाडा पर नहीं सुनना है। पोटो पर बोलिए।

SHRI KAPIL SIBAL: That is what he had said.

What had Shri Jaswant Singh said? He said:

> "I find this piece of legislation runs counter to every concept of civilised values."

आज आपकी सिविलाइज्ड वैल्यूज क्या है, मैं उसके बारे में टिप्पणी नहीं करना चाहता हूं। I would like to now ask the Treasury Benches why the 180-degree turn. Why are you suddenly so enamoured of POTO when you said that this was a law which opposed every concept of civilised values? You must explain to the people of this country.

Madam, Shri George Fernandes is sitting here and he is supporting this Bill. What did he say 11 years ago? Let me quote what he said on the 12th August, 1991. He said:

> "It has now been proved that such a law cannot abolish any kind of violence or terrorism."

So, it could not abolish it in 1991, but will it abolish in 2002? 11 साल बीतने के बाद आज ऐसा क्या हो गया है कि आज ही के दिन अबॉलिश होगा, तब नहीं हुआ।

DEPUTY-CHAIRMAN (RAJYA SABHA): He has a right to speak what he wants to speak. He is not going to speak what you want him to speak.

...(*Interruptions*)

SHRI KAPIL SIBAL: When the TADA Amendment Bill of 1991 was moved, who were the ones who voted against it? Shri L.K. Advani, now the Home Minister, voted against it. Now, suddenly after 10 years, why does he support it. We will have to find out from him. He says, he supports it because there is a United Nations Security Council Resolution 1373 adopted on the 28th September, 2001, which required the international community to pass the law and therefore India had to enact a law. We do not oppose that. Let that law be enacted. But did the international community tell you to enact this law, which is contrary to all civilised values of a democratic society?

अब कुछ असलियत आपके सामने रखें, वह जरूरी है। When POTO was promulgated on 24th October, 2001, the first casualty of POTO in Kashmir was a gentleman by the name Shri Dar. Shri Dar had a tenant in his house who was paying him a rental of Rs. 300 a month and who told him that he was a photographer from Delhi. That tenant turned out to be, according to the prosecution, according to those who arrested him, a terrorist. So, Shri Dar was taken into custody under the provisions of POTO. On what ground was he taken into custody? It was on the ground that his tenant, who said that he was a photographer in Delhi, happened to be a terrorist. So, Shri Dar became a terrorist because he assisted and supported terrorism. This is how terrorism and POTO actually works at the ground level.

Let us come to Gujarat now because the proof of the pudding is in the eating. What happened in Gujarat? ...(*Interruptions*)

DEPUTY-CHAIRMAN (RAJYA SABHA): The Deputy-Speaker announced in the morning that we are going to have voting at 5.30 p.m., but I do not think we can have voting at 5.30 p.m. now. I have two lists of speakers with me. If the discussion is not allowed, we will have to sit till 5.00 a.m. in the morning. So, please let everybody speak. Please quietly listen to everyone and abide by time.

SHRI KAPIL SIBAL : My good friend, Shri Jaitley, remarked that the Leader of the Opposition has said that this law is insidious, politically-motivated and a manipulation of the parliamentary process.

Now, I want to show to him how this law is insidious, how it is politically motivated and how it is a manipulation of the parliamentary process. The facts will be before him in a second. In Gujarat, what has happened? In Gujarat, after the Godhra massacre, 62 persons were arrested and 21 of them were proceeded against under POTO. For the atrocities, that were committed after Godhra, about 800 persons were arrested. Not a single person was proceeded against under POTO.

Why they were not proceeded AGAINST is another matter. But I want to place before this country what really happened I give you an example. I give you an example. An FIR was lodged by one V.K. Solanki, a Sub-Inspector of the Naroda Police Station, who named five VHP and Bajrang Dal leaders for the Naroda-Patia massacre. Among them is a Bajrang Dal activist, Babu Bajrangi, who has a long criminal record. Three persons have, so far, been arrested. But those named in the FIR are still at large. ...(*Interruptions*) Now, please let me place the facts. ...(*Interruptions*) An ordinary person or Congress worker did not lodge this FIR. A Sub-Inspector of Police lodged this FIR. Now, the Assistant Commissioner of Police, Shri Barot − I name him − who was in charge of the investigation, questioned the action of the local Police. I quote what he has said. ...(*Interruptions*) This is no way. ...(*Interruptions*) This is not fair. ...(*Interruptions*)

DEPUTY CHAIRMAN (RAJYA SABHA): There are so many people.

SHRI KAPIL SIBAL: The Assistant Commissioner of Police says:

"Before arresting Bajrangi and others named in the FIR, we have to be sure of their involvement."

The Deputy Superintendent indicts them in the FIR. The ACP says: "I am not sure of their involvement." This is the state of affairs in Gujarat. ...(*Interruptions*) Forget POTO. This is the way the State is using the Police personnel in protecting those who are covered by the present definition of POTO. The Minister of Law says: "The POTO is to contain terrorism." No; the object is "to perpetuate State terrorism". That is the object.

In the course of the mayhem that took place in Gujarat, may I just give the figures? More persons died in Gujarat than in the Kargil conflict. More persons were massacred in Gujarat than the loss of lives in the Kargil conflict.

About 1,679 houses were set on fire, 76 religious places were burnt, 1,965 shops were burnt, 200 shops were looted, 90 vehicles were torched and yet none of those responsible have, till date, been arrested under POTO.

Now, comes the icing on the cake, so to say. Now, it is found that the Gujarat Government says - it is very surprising - that they will not prosecute any of the people who are responsible for the Godhra massacre under POTO because there is an opinion of the Advocate-General to that effect. Well, let us assume, there is an opinion of the Advocate-General. The people of this country should know that this is merely a tactical move for the simple reason that at any stage of the investigation, the offence under POTO can be added. They are only waiting for this debate to be over, for POTO to be passed and then directing that very investigating agency to include the offence of POTO which they have tactically withdrawn for the moment. That is their real motive. That is the political motive, Mr. Law Minister, that I was talking about.

What is even more interesting is that it was found that seven persons who were booked under POTO were young boys going to school. I will quote a person who arrested these young boys and this is what he said: "The Inspector of Godhra Town Police Station, Trivedi says, it was not possible to check their age at the time of arrest, they were seen near the site of the incident, so they were arrested under POTO." The reason given is they were arrested under POTO because they were seen at the site of the incident. Is this not insidious, Mr. Law Minister? Is this not politically-motivated, Mr. Law Minister? Is this not a manipulation of the parliamentary process that while POTO is law, you do not take any action for those who massacred people and who burnt people alive? Please answer, I would like the hon. Home Minister to answer that.

What further has happened is that all those officers, who tried to enforce the law have now been transferred. I can give you the names of officers. Some of those officers have said, in fact, one Shri Rahul Sharma, who was incharge of Bhavnagar, said: that Mr. Govardhan, the Home Minister told him on the phone, please book these people under safe IPC clauses. What does that mean? You say: "This law is only to deal with and contain terrorism." But if you want to contain terrorism, why do your Ministers in Gujrat tell Inspectors and Sub-Inspectors to book certain accused under safe IPC clauses? Is that how you want to deal with terrorism?

The other thing which is most interesting is that Shri Jaitley has given us some very interesting figures. He says: "61,000 people lost their lives because of terrorism in this country." He says, "8000 security people lost their lives."

This is true. Sixty thousand people lost their lives in the last 20 years when TADA was in force. But, after the October 24, 2001, POTO has been in force. Let me tell the Home Minister some interesting figures when POTO was in force. I will talk about Kashmir. On January 1, 2002, a woman, two children and six of her family were massacred alive in Jammu & Kashmir. POTO was in force. On January 7, 2002, it was a night of terror. Seventeen persons were massacred in Jammu & Kashmir. POTO was in force. On January 11, 2002, there was a blast in the Jammu & Kashmir High Court. Fifteen persons were killed. POTO was in force. On January 31, 2002, five children were killed. POTO was in force. I can go on and on and on.

You want to tell us that because of POTO, you will be able to catch hold of a suicide bomber, will you be able to do away with terrorism because of POTO? The answer is, 'no'. The real purpose of POTO is to use this draconian piece of legislation against your own citizens. That is the real purpose of POTO. That is why, this law is insidious. That is why, we will not accept it.

Now, Shri Jaitley, let us come to some substantive provisions of the law, to which we have grave objection. My learned friend, the Law Minister has been saying time and again that the Congress Party has never told them what their real objection to the substantive provisions of the law is.

Objection number one is about the definition of a terrorist act under POTO in comparison to the definition of a terrorist act under TADA. I will read the definition under TADA and then I will read the definition under POTO. Under TADA, this is what the definition was:

> "Whoever with intent to overawe the Government, as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony

amongst different sections of the people uses weapons and arms, commits a terrorist act."

What you have done in POTO is that you have excluded two very important clauses of the definition of a terrorist act. This is what you have excluded:

> "Or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people. "

This part of the definition has been selectively excluded by this Government in the definition of a terrorist act under POTO. We will not accept this. Do you have any answer as to why you have excluded it? The answer is what is happening in Gujarat. The answer is, if this definition was there, then the activities of the *Sangh Pariwar* in Gujarat, of VHP and the Bajrang Dal in Gujarat would be squarely covered under the definition of a terrorist act under POTO, and you would be obliged to arrest them under POTO.

My second substantive objection is this. Please note it. This law says that as long as you are a member of a terrorist organisation, you are deemed to be a terrorist. Shri Jaitley has said that the accused can always tell us that after the organisation became a terrorist organisation, he was not a member of that organisation, he did not do any activities for that organisation. That is true, Shri Jaitley. But the fact of the matter is when will the poor accused have to say that. The poor accused will have to say that only in his defence. There is no obligation under the law for the prosecution to prove that he is a member of a terrorist gang because under the definition, as long as the prosecution says he is a member, he is deemed to be a terrorist. We will not accept that.

The next objection is this. Madam Chairperson, when POTO was first promulgated on October 24, there was a Schedule to Section 18, which included only SIMI as an organisation, which would be deemed to be a terrorist organisation. There was a great hue and cry in this country and the reason was simple because organisations which had their objective as terrorism were excluded from the Schedule. I will name two such organisations, and that is, the Communist Party of India (Marxist-Leninst) called the People's War Group, and the Maoist Communist Centre, MCC.

17.00 hrs.

These two organizations which profess to be terrorist organizations were excluded. Why? What is the answer of the Home Minister? If the intention was to fight terrorism, if the intention was to curb terrorist activity, then on 24th of October when the Schedule was enacted, these two organizations should have been included. But they were not included. Your eye was on the UP election. You knew that the UP election was coming. You wanted to make this into a political issue. But then Shri Chandrababu Naidu, the Chief Minister of Andhra Pradesh, at the end of October and November asked why you have not included the People's War Group. So, on 5th December, 2001, you amended the Schedule and included the People's War Group and the MCC but one organization is still not included. Which is that organization? It is the NSCN (IM) which professes to be a terrorist organization. Why is it not included? It is because your Home Minister is holding parleys with that organization. This also shows that when POTO was enacted, you had a specific purpose in mind.

Then, let me come to my fourth substantive objection. Unauthorised possession of arms is an offence under the POTO. Under TADA this provision was incorporated in Section 5. Many people, who had revolvers for which the licences have expired, continued to be in possession of those revolvers. And under the TADA, they were deemed to be terrorists because they were in possession of unauthorised arms. You have a similar provision now under this Act. So a person will be deemed to be a terrorist if he has a revolver or a gun for which the license has expired. How can any civilised society accept provisions of this nature? Please do explain that to us.

17.04 hrs (Shri K. Yerrannaidu *in the Chair*)

My next objection is this. You have a witness protection programme. You talked about the US law, the UK law and many other laws. Let me tell you this.

> "In the United States Constitution, the due process of law in all criminal proceedings, the presumption of innocence, the right of the defendant to an open and speedy trial and the rights of the defendant to confront witnesses against him are neither suspended nor circumscribed by that law. "

Please note that, in the United States, the presumption of innocence is not dislocated. But under POTO, it is dislocated. There is no witness protection programme in the United States as under POTO. There is no suspension of the fundamental rights of the individual in the US or under POTO. So, please do not compare the US law with the

Indian law. You made a song and dance about the US law when Shri Mulayam Singh asked you a question. मुलायम सिंह जी ने आपसे क्या पूछा? उन्होंने पूछा कि जो अमेरिका का लॉ है, उसमें जो एलियन्स हैं, उनके खिलाफ वह लॉ लागू होता है? तो आपने कहा कि नहीं, अमेरिकन सिटिज़न्स के खिलाफ भी लागू होता है और आप सही हैं। The issue was not that. The issue is that there can be no preventive detention of citizens of the United States.

Under POTO, you could have preventive detention for 180 days before the chargesheet is filed. Under the American law, you cannot have such detention. Under the American law, you do have the normal bail provisions. Under this law, the bail provisions are drastic. So, please do not compare the American law with the Indian law.

Let me give you another example of the UK law. Under the UK law, for example, if a person is arrested up to five days preventively through an order of the Home Minister, the European convention on Human Rights has held that such a provision is unconstitutional even for aliens. In other words, under POTO, we treat our citizens much worse than the US and the UK laws treat their aliens. This is our objection and you have not answered it. We raised this objection not once but several times during the course of the debate but you have not dealt with this. ...(*Interruptions*)

MR. CHAIRMAN : Please conclude now.

SHRI KAPIL SIBAL : I was interrupted for a long time. I will have to answer some of the questions that have been raised. ...(*Interruptions*)

Let me now deal with the issue of MACOCA. Much has been made about the rate of conviction under MACOCA. The hon. Law Minister said that under TADA and under other laws of this country, the rate of conviction was 6.5 per cent but under MACOCA the rate of conviction was 76 per cent and this showed that MACOCA is efficacious. I do not know whether it is a legal argument or not but you can have a law in this country where the rate of conviction could also be 100 per cent. But will that show that that law is good or that law is efficacious? Why is it that you have a rate of conviction of 76 per cent? It is because the normal investigating agencies do not investigate the cases normally. What they do is to extract a confession. That confession becomes substantive evidence; that substantive evidence is made the basis of conviction; and so the rate of conviction would be high. But such a procedure is not recognised under civilized jurisprudence. Do we have such confessions in the United States? Do we have such confessions in the UK? The answer is 'No'. So, the issue is not whether the rate of conviction is 76 per cent or 6.5 per cent. The issue is, in a civil society, will you adopt such procedures that tend to incriminate innocent persons who cannot fight against the State? This is what happens here.

Under MACOCA, you have the definition of organised crime. The definition of organised crime has nothing to do with the definition of terrorism. These are two different concepts. Let me read out the definition of organised crime under MACOCA. ...(*Interruptions*)

'Organised crime', under MACOCA means, 'any continuing unlawful activity by an individual'. Before anything becomes an organised crime, the prosecution has to show continuing unlawful activity, which is also defined under the Act but there is no such definition under POTO because you do not have to do any continuing unlawful activity if you have to be a terrorist. If you are a member of a terrorist gang, as the prosecution says, you are a terrorist. You do not have to be involved in any continuing illegal activity. So, please do not fool the country. Please do not talk about organised crime under MACOCA and compare it with terrorism under POTO. Under MACOCA you have organised gangs that are not defined like terrorist organisations. So, please do not compare apples with potatoes. That is exactly what you did.

MR. CHAIRMAN: Please try to conclude now.

SHRI KAPIL SIBAL : Let me just answer the question on confessions.

MR. CHAIRMAN: There are two more hon. Members from your party who want to speak. Please try to conclude in one more minute.

SHRI KAPIL SIBAL : Let me mention what the National Human Rights Commission says about confessions. This is what it says:

> "This would increase the possibility of coercion and torture in securing confessions and thus be inconsistent with Article 43 (f) of the International Covenant of Civil and Political Rights, which requires that everyone shall be entitled to the guarantee of not being compelled to testify against himself or to confess guilt."

This provision of ICCPR is consistent with article 23 of the Constitution, making confessions before a police officer,

admissible in evidence would also imperil respect for Article 7 of ICCPR, which categorically asserts and I quote:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment close doors."

If you, therefore, extract a confession through torture and then say that the rate of conviction has become 76 per cent, how can the people of this country accept such a law? Do not give the rate of conviction and justify a law of this nature.

Mr. Chairman, Sir, I have now almost done. I will end by saying the following:-

A terrorist is a terrorist. There are no good or bad terrorists depending upon which side of the fence they stand. The record of the agency for implementation of POTO inspires no confidence in its objectivity, in its professionalism or its belief in the rule of law. You have seen the observations of the Chairman of the National Human Rights Commission (NHRC) on the lack of competence and lack of efficiency of the Gujarat Government, its real record for veracity and the inaccuracy of its proclamation that the situation in Gujarat had been brought under control in 72 hours. The Chairman of the NHRC says that the pall of insecurity still stands heavy on Gujarat and the Government's actions and reports have been perfunctory. The Chief Minister has made his mindset clear through his own pronouncement. He saw the reprisals of innocent men, women and children as the operation of Newton's third law of motion and not as the wanton criminal shedding of blood of those whose security was his constitutional responsibility. His kind of logic, one would have thought, was buried with the second world war and that Nero's fiddle had ceased to resonate beyond the Roman empire. Its notes, however, seem painfully alive in Gujarat today. The terrorist is an enemy of the people and, as I have said before, there are no good or bad terrorists. However, the prism of the Gujarat Government through which terrorists were perceived as such and treated differentially was against all civilised canons and mores of action. The burnings in Godhra or in Gulburg society were two sides of the same coin and equally reprehensible. The State of Gujarat saw them otherwise. Unless we can learn a lesson from this and hasten slowly to this exercise that we have embarked upon with insufficient forethought and foresight, we will, I am confident, rue that day, we used the mailed fist through this legislation to bring a black law on our statute books that may unleash dark deeds of the blackest colour, stain human rights violations with shedding of innocent blood and trampling civil liberties under the hobnails of an enforcement agency that will exercise unrestrained power without the reins of necessary checks. We should not allow POTO to become an instrument of narrow partisan ends or division and dissentions that will fracture rather than integrate; generate distrust and discord that is violative of democracy and consensus. Let us be chary of passing a law not through persuasion but through brute force. Let us be patient, be ready for a dialogue, scrutinize together the inadequacies of the Act before us, and take time to give it a shape that may achieve purposes to which this Joint Session can commit itself.

If we can do this, we would not have met today in vain. But if not, a day may come when each one of us must deeply regret the loss of the unique opportunity we have today to pull back from the precipice on which we stand.

The mindless pursuit of a narrow agenda has belittled the greatness of this country as never before in history. Please do not aggravate the situation by pushing through a divisive piece of mistaken legislation.

MR. CHAIRMAN : Shri Prabhunath Singh − Not present.

Shri P.H. Pandian.

SHRI KIRTI JHA AZAD : What about calling me, Sir?

MR. CHAIRMAN : Madam Deputy-Chairman has promised you. I shall call you after Shri Pandian.

SHRI P.H. PANDIAN (TIRUNELVELI): Mr. Chairman, I, on my own behalf and on behalf of AIDMK, express my views on this POTO Bill.

I thought for a while that had this Bill been tabled on 13th December, immediately after the attack on Parliament, it would have been passed here, in the Central Hall, without discussion.

Since morning up to this time, this Bill was viewed with political objective and lastly, legally, my learned friends Shri Arun Jaitley and Shri Kapil Sibal have spoken on this Bill.

Law must be in tune with the time. In 1860, when Macaulay enacted the Indian Penal Code, he never thought that terrorists would be produced and they would attack every country. So, the principle of criminal jurisprudence, the presumption of innocence, was followed in India. We have not followed the French system of jurisprudence. You know that in the French system of jurisprudence, presumption of guilt is enunciated. Here, in India, the accused can

sit coolly. It is for the prosecution to prove the guilt beyond reasonable doubt. If there is a little doubt, the benefit goes to the accused.

SHRIMATI MARGARET ALVA: You lodged Shri Karunanidhi in jail without POTO. Why do you need this law?

SHRI P.H. PANDIAN : Under the presumption of guilt theory, you have passed the law. In India, whether this party was in power or that party was in power, we have been in the middle. For example, whether it is the Foreign Exchange Regulations Act or the Prevention of Corruption Act, the onus of proof has been shifted from the prosecution to the accused. The benefit of doubt has been given a go-bye. Recently, in 1989, when there was oppression and suppression of Scheduled Castes, the Parliament enacted a law - the Central Act No. 33 of 1989 - namely, the Scheduled Castes and Tribes (Prevention of Atrocities) Act, providing that there will be no anticipatory bail. The bail provision was deleted. The aggrieved persons went up to the Supreme Court. The Supreme Court said, no, anticipatory is not guaranteed to every citizen. It is not a Fundamental Right. On that score, in 1976, the Uttar Pradesh Legislature passed a law.

Section 438 concerning anticipatory bail was deleted. So, legally, I am of the view that this Bill is within the purview of the Constitution. As far as the definition is concerned, Section 3 clearly spelt out that 'whoever' − he may be belonging to a minority or to a majority; it comes from the word 'whoever' − with the intent to threaten the unity, the sovereignty and security of India can be booked under the provisions of this Act. I would like to say that but for TADA the prosecution would not have procured a conviction in Rajiv Gandhi assassination case. The accused was booked under TADA, tried under TADA and the witnesses were saved. They were given safe custody. The prosecution was able to prove the case.

Not all persons catch the eye of the Police. The Police suspects only the suspected persons; the Police suspects only a suspected individual and not all the law-abiding citizens. I would say that the collective wisdom of Parliament, at the present juncture is that a stringent law is necessary to deal with stringent situations, to arrest the incorrigible offenders, to arrest the terrorists. Drunken brawls, street rowdyisms have not gone upto the terrorist activity. The ISI is operating inside India. They cannot operate without any inner support. Without any Indian support, nobody can enter into the soil of India. So, I would say that the ISI is operating within India and this legislation will curb the ISI activity. This legislation will curb the cross-border terrorism.

We talk about cross-border terrorism. We visited Kargil. We heard different reports that the President of Pakistan is still encouraging cross-border terrorism. Gen. Pervez Musharraf has already said it. He is not on friendly terms with India. So, in that way, when the President of Pakistan categorically said that he would not hand over the 20 terrorists, where is the law to contain terrorism? He has categorically said it and he has asked the Indian Government to identify. Who will identify when he is having those 20 terrorists?

In Mumbai, the property of Dawood Ibrahim was auctioned. There was no taker for this property. There was no taker for Dawood Ibrahim's property. Why are you afraid? Had this law been there, anybody could have participated in that auction. Here, in India, you are afraid to take part in an auction. This is an individual who is in Pakistan, whom Gen. Pervez Musharraf refuses to hand over to India whom you are not able to take, arrest or prosecute him. The Bombay blasts case is there. In Coimbatore, an attempt was made on the life of the hon. Minister of Home Affairs during the elections to Parliament in 1998.

How many prosecutions were there? How many bomb blasts were there? I would say that let us not view this law with a political angle. As a lawyer and as a parliamentarian I would say that this is the law to deal with terrorists which should be necessary. It is necessary.

Then, the crime is the product of law. We all know that. If there is a law passed by Parliament, then, there will be a crime also. You do not pass a law, there will be no crime. Section 3 says that whoever has an intent to threaten the security, integrity and sovereignty of India will be booked. Shri Kapil Sibal said that innocent persons may be booked. Does he mean to say that in all the cases? I heard the conviction rate, acquittal rate. Please do not go by the statistics. Acquittal is based on different factors. Lawyers and certain judges are pro-prosecution or pro-defence. There are so many factors when witnesses turn to be hostile. So, I would say that we support this law. On behalf of AIADMK and on my own behalf, we support the POTO *in toto* because in Tamil Nadu we experience so much of terrorist activity which would not have been witnessed outside. In Tamil Nadu, Tamil Liberation Movement is closer to Sri Lanka. It is closer to so many neighbouring countries. So, I would say .....(*Interruptions*)

MR. CHAIRMAN : Please do not disturb.

...(*Interruptions*)

SHRI P.H. PANDIAN : This is not the way. I am talking for the country, not for you. ...(*Interruptions*)

MR. CHAIRMAN: Shri Ramesh Chennithala, please sit down. No argument please.

...(*Interruptions*)

SHRI P.H. PANDIAN : I am speaking for the country, not for you. ...(*Interruptions*) Madam, your husband has been murdered, assassinated. Late Rajiv Gandhi was assassinated. ...(*Interruptions*) Even for that reason, you should support this Bill. ...(*Interruptions*)

MR. CHAIRMAN: Shri Pandian, please address the Chair. Do not argue with them.

...(*Interruptions*)

SHRI P.H. PANDIAN : Now, barring three Members from Lok Sabha − we have 39 Members from Tamil Nadu − all are supporting this Bill. ...(*Interruptions*) irrespective of party affiliations. Barring three Members, all are supporting this Bill. So, you must understand the terrorist echo in Tamil Nadu. What about Veerappan? You want that Veerappan to be handled by IPC; he should be handled under TADA. ...(*Interruptions*) In that way, hardened criminals should be dealt with severely, with stringent provisions. The attack on railway coach at Godhra took place. We visited and we saw that coach. Madam Sonia Gandhi also visited. We saw the carriage that was attacked. Who was the aggressor? First, you must think about the aggressor and then only the next event, the subsequent event. Who is the aggressor? So, I would say that we support POTO Bill lock, stock and barrel.

MR. CHAIRMAN: Shri Digvijay Singh.

...(*Interruptions*)

MR. CHAIRMAN: Shri Akhilesh, we will decide about it later. So many Members are there to speak.

...(*Interruptions*)

SHRI SONTOSH MOHAN DEV (SILCHAR): Where is the Home Minister? Where is the Prime Minister? ...(*Interruptions*)

MR. CHAIRMAN: Shri Sontosh Mohan Dev, please sit down. I have called Shri Digvijay Singh.

रेल मंत्रालय में राज्य मंत्री (श्री दिग्विजय सिंह) : सभापति महोदय, इस सदन में हम सब लोग देश के महत्वपूर्ण मुद्दे पर चर्चा कर रहे हैं। इसी केन्द्रीय कक्ष में इस देश की आजादी की लड़ाई लड़ने वाले दीवानों के सपनों का संविधान बनाया गया। उसके साथ-साथ संयुक्त सदन की भी जरूरत महसूस की गई। इसी केन्द्रीय कक्ष में आज हम तीसरी बार मिल रहे हैं। 1961 में और 1978 में संयुक्त अधिवेशनों की जो बैठकें हुई थीं, वह सरकार के कामकाज की बात थी। लेकिन आज जिस विाय पर हम यहां इकट्ठा हुए हैं, वह देश की सुरक्षा से जुड़े हुए सवालों का है। जब मैं इस बात का जिक्र कर रहा हूं तो बड़ी गम्भीरता से पूरे सदन के सामने इस बात को रखने का प्रयास कर रहा हूं कि यह कानून जिसके बारे में हम सब लोग यहां इकट्ठा हुए हैं पास करने के लिए, इस कानून के बारे में कई तरह की भ्रांतियां अपने मन में या तो बिठा ली गई हैं या बोली जा रही हैं।

मैं इस सदन में एक ही बात पूछना चाहता हूं। काफी माननीय सदस्य यहां बैठे हुए हैं। यह क्या पहली बार ऐसा हो रहा है? संविधान के दायरे से बाहर सात बार पहले भी ऐसा काम हो चुका है। मुझे याद है कि एक कानून "मीसा" इसी देश में बना था और उसके तहत सदन के आधे जो सम्मानित सदस्य हैं, जिसके अंतर्गत भारत के प्रधान मंत्री और पूर्व प्रधान मंत्री चन्द्रशेखर जी और अटल बिहारी वाजपेयी जी सब लोग गिरफ्तार हो चुके हैं।â€¦ (व्यवधान) मैं वह नहीं चाहता। मैं सिर्फ इस बात की याद दिला रहा हूं कि लोक नायक जयप्रकाश नारायण जी की शताब्दी का यह वा है और 1975 में जब आतंक का कानून लागू किया गया था तो पूरे देश के लोगों को उन्होंने जहां एक ओर लोगों को प्रेरित किया कि प्रजातंत्र जनतंत्र की हिफाजत के लिए अपने घरों की बजाए जेल में रहना पसंद करो, वहीं दूसरी ओर जब वही लोग इस सत्ता में वापस लौटकर आए तो मोरार जी देसाई से लेकर चरणसिंह जी तक और चन्द्रशेखर जी से लेकर अटल बिहारी वाजपेयी जी तक तो उस समय भी उनके सामने यह चुनौती थी जो संविधान में धारा 352 का प्रावधान किया गया है, जिसके तहत एमर्जेंसी लगाई जाती है चाहे इंटरनल एमर्जेंसी हो या एक्सटर्नल एमर्जेंसी हो और उसी के तहत सब गिरफ्तार हुए थे। लेकिन नेताओं ने व्यक्ति से बड़ा सिद्धांत और सिद्दांत से बड़ा देश को समझा था। इसीलिए धारा 352 को संविधान से हटाया नहीं था बल्कि उसका सम्मान किया था।

हम जानना चाहते हैं कि आज भी "पोटो" के बारे में जो बातें कही जा रही हैं, क्या यह सत्य नहीं है कि जब "टाडा" लगाया गया था तो सुप्रीम कोर्ट की तरफ से प्रास्ताव था और 6 सेफगार्ड्स दिये गये थे और आज "पोटो" जो रखा जा रहा है, उसके आर्टिकल 52 और 58 को जरा पढ़ा जाये। आर्टिकल 58 में कहा हुआ है कि पुलिस का कोई अफसर ज्यादती करता है तो यह ताकत, शक्ति उस व्यक्ति के पास होगी जिस पर यह इल्ज़ाम लगाकर गिरफ्तार किया जाएगा कि कानून के तहत उस पुलिस अफसर को दो साल से लेकर पांच साल तक सजा सुनाई जाए। यह इस कानून में प्रावधान किया गया है और हमसे कहा जाता है कि "पोटो " का इस्तेमाल हम राजनैतिक प्रतिद्वंद्वियों के लिए करेंगे। इस सरकार में आधे लोग ऐसे हैं जिन्होंने प्रजातंत्र और जन तंत्र की कीमत के लिए एक नहीं दो नहीं 19 महीने तक जेल में रहना पसंद किया लेकिन जनतंत्र की हिफ़ाजत में कोई कमी नहीं आने दी। इसी सरकार में जार्ज फर्नांडीज मंत्री हैं, किस राजनेता से मैं पूछना चाहता हूं कि किस जनतंत्र में, हिन्दुस्तान की जम्हूरियत में हथकड़ी लगाकर जेलों में लाया गया था? जनतंत्र की हिफाजत में लोगों ने हथकड़ी पहनना पसंद किया लेकिन देश के जनतंत्र की इज्जत और हिफ़ाजत के साथ समझौता नहीं किया। इसलिए हमें उपदेश नहीं दिया जाये और हम पर इल्जाम नहीं लगाया जाये कि हम इस तरह के कामों को करने के लिए "पोटो" का इस्तेमाल कर रहे हैं। मुझे तो प्रसन्नता है कि अगर विपक्ष को हमसे खामियाजा भुगतने में डर लग रहा है तो मैं यह समझता था कि अगर विपक्ष की ओर से संयुक्त सदन में यह प्रस्ताव पारित हो जाता और उसके बाद भी संविधान के कोई हिस्से में यह गुंजाइश इस कानून के अधिनियम में बनी हुई थी तो हम इसका रिव्यू कर सकते थे। हम कुछ संशोधन ला सकते थे। आज इस मामले में, इस कानून के संबंध में पूरी दुनिया हमें देख रही है।

राट्र के हर संकट पर देश एक खड़ा हुआ था। विपत्ति के समय देश एक होकर अपनी आवाज को बुलन्द करता रहा है और 13 दिसम्बर की घटना के बाद संसद के दोनों सदनों ने इस बात की पुटि की गई कि देश एक होकर खड़ा है। â€¦ (व्यवधान)

श्री बसुदेव आचार्य (बांकुरा) : कानून पहले से ही था। â€¦ (व्यवधान)

श्री दिग्विजय सिंह : आप सही कह रहे हैं । कानून के रहते हुए, पोटो अक्टूबर में लागू हुआ, घटना घटी। मैं यह बात इसलिए कह रहा हूं, कानून के रहते हुए, अध्यादेश के रहते हुए, हमने उस संकट को देखा और झेला। कोई एक दिन में कानून का मापदंड तय नहीं हो जाता है - बसुदेव आचार्य जी। आपको नहीं लगता है कि छः महीने में देश में यकीन और विश्वास बढ़ा है। आपको ऐसा नहीं लगता है कि पिछले दिनों में लोगों का मनोबल बढ़ा है। अगर देश में लोगों के मनोबल को बढ़ाना है, तो इस बात को हम सब लोगों को मिलकर सोचना और समझना होगा।

महोदय, न्याय मंत्री जी ने कहा कि यह कानून देश के दूसरे राज्यों में इस्तेमाल हो रहा है, तो सराहनीय है, लेकिन अगर वही कानून भारत सरकार की तरफ से पेश कर रहे हैं, तो वह कानून लोगों पर जुल्म ढाने का अंग बन रहा है। इसलिए मैं आपसे गुजारिश करना चाहता हूं कि जैसा कानून दूसरी जगहों पर इस्तेमाल किया जा रहा है, उससे ज्यादा जन्तान्त्रिक व्यवस्था इस कानून में रखी गई है। मैं जिस बात का जिक्र नहीं करना चाहता था, लेकिम मजबूरन मैं कर रहा हूं, सब लोग इसमें राजनीतिक रूप देख रहे हैं। इस राजनीतिक रूप को कुछ समय के लिए हमें छोड़ना पड़ेगा। मैं विपक्ष के नेताओं से गुजारिश करना चाहता हूं, आज भी, अभी भी, समय है कि हम सब लोग इस सदन में जब मतदान हो, तो संकट की घड़ी में एक साथ खड़े हों। एक साथ खड़े ही नहीं हो, देश की एकता और अखण्डता के लिए बनाए हुए कानून में अगर शक की कोई गुंजाइश हो, तो थोड़े समय के लिए आप हम पर शक जरूर करें, लेकिन हम आपको यकीन और विश्वास दिलाते हैं कि यह सरकार कभी भी इस कानून से लोगों को राजनीतिक प्रतिद्वन्द्विता को समाप्त करने के लिए इस्तेमाल नहीं करेगी। इस आशा और विश्वास के साथ मैं इसका समर्थन करता हूं।

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, पोटो कानून को पोटा बनाना चाहते हैं, इसीलिए दोनों सदनों की ज्वाइंट सीटिंग बुलाई गई है। ऐसा लगता है, सत्ता पक्ष के सदस्य बोलने के लिए तैयार नहीं हैं, मंत्रियों का कम्पीटिशन चल रहा है। सत्ता पक्ष के सदस्यों को बोलने का मौका नहीं दिया जा रहा है। â€¦ (व्यवधान) प्रधान मंत्री जी ने कई अवसरों पर ब्यान दिया है कि देश में आम-सहमति से राज चलाना चाहते हैं। आम सहमति में राज्य सभा में पराजय के बाद संविधान की धारा 108 के प्रावधान का इस्तेमाल करना पड़ रहा है । इससे प्रधान मंत्री जी का ढोल का पोल खुल गया है कि वे आम-सहमति से राज नहीं चलाना चाहते हैं। राज्य सभा में बहुमत नहीं हुआ, तो दोनों सदनों को एक साथ बुलाकर बहुमत करके इस काले कानून को पास करना चाहते हैं।

महोदय, सरकार के मंत्री जवाब दें - गृह मंत्री जी से कहा कि वे इस बिल को जल्दी में नहीं लागए हैं। अगर वे जल्दी में नहीं लाए हैं, तो आर्डिनेंस लाने से पहले इस बिल को संसद में क्यों नहीं लाया गया?

अभी तक जो भी गंभीर प्रकृति का कानून बना है, सभी को ज्वाइंट सिलैक्ट कमेटी अथवा पार्लियामेंट्री कमेटी में ले जाया गया है। इस सरकार में हिम्मत नहीं है कि सीधे संसद में कानून लाती और ज्वाइंट कमेटी या स्टैंडिंग कमेटी में गहन छानबीन उसकी होती। ऐसा करने की सरकार की हिम्मत नहीं हुई। जब राज्य सभा में संख्या पूरी नहीं हुई तो राज्य सभा और लोक सभा दोनों को जोड़कर यह अपनी गिनती पूरी करना चाहती है। यह जबरदस्ती नहीं चलेगी। हम इसे लेकर जनता में जाएंगे।

11 सितम्बर को अमरीका में हुई घटना के बाद दुनियाभर में आतंकवाद के खिलाफ जनमत बना, विश्व जनमत तैयार हुआ। भारत में भी हमारी संसद पर आतंकवादी हमला हुआ, जम्मू-कश्मीर विधान सभा पर हमला हुआ। विभिन्न आतंकवादी घटनाओं के बाद हिंदुस्तान में भी जनमत तैयार हुआ लेकिन इन लोगों ने उस जनमत का आदर नहीं किया, उसको सेबोटॉज किया। जो जनमत उभरा था उसको खंड-खंड कर दिया। आतंकवाद के खिलाफ जो जनमत उभरा और सरकार ने जो कानून बनाया उसमें एक-दो क्लॉज कम करके सहयोगी दलों का समर्थन लिया गया। लेकिन सहयोगी दलों में भी बहुत से लोग इस पर ऐबसेंटी हैं। यह जब इस पर राज्य सभा में जीत नहीं सके तो इसे यहां लाए हैं। अगर इनकी नीयत साफ होती कि आतंकवाद का सफाया हो तो ये लोग विपक्ष को भी कॉनफिडेंस में लेते, अपने सहयोगी दलों को भी कॉनफिडेंस में लेते। फ्रैक्चर्ड जनमत से आतंकवाद का मुकाबला नहीं हो सकता। फिर ऐसा यह क्यों कर रहे हैं। ऐसा यह इसलिए कर रहे हैं कि " कहीं पे निगाहें कहीं पर निशाना, जीने का जालिम बनाओ न बहाना" । यह सरकार हर क्षेत्र में नाकामयाब रही है। आर्थिक मोर्चे पर विफल हैं, बेरोजगारी बढ़ रही है और इन्होंने मिट्टी के तेल के दाम बढ़ा दिये हैं, जनता इनके खिलाफ है। इसलिए इनको ऐसा हथियार चाहिए था जिससे दमन किया जा सके। इसलिए इनकी नजरों में विपक्ष है, माइनोरिटीज हैं, अल्पसंख्यक हैं, ट्रेड-यूनियन हैं, मजदूर नेता लोग हैं, जिनका दमन किया जा सके। इसलिए इनकी निगाहें कहीं पर हैं और निशाना कहीं पर है। लेकिन ऐसा होने नहीं दिया जाएगा। वानर के हाथ में तलवार नहीं दी जाएगी।â€¦ (व्यवधान) इनके हाथ में पोटो जैसा कानून नहीं दिया जाना चाहिए। पोटो कानून ड्रैकोनियन है, एंटी-डैमोक्रेटिक है जिसमें नो-दलील, नो-वकील, नो-अपील वाला कानून है तथा यह कानून फंडामेंटल राइट्स और सिविल लिबर्टी दोनों का हनन करता है।

नेशनल ह्यूमन राइट्स कमीशन ने कहा कि यह कानून सही नहीं है और इसे नहीं लाना चाहिए। सुप्रीम कोर्ट ने कहा कि इस तरह के कानून का बड़ा दुरुपयोग होता है। ऐसे कानूनों के दुरुपयोग का उदाहरण सब के सामने है। यह अनुभवहीन सरकार है, हठी सरकार है जबकि इन्हें टाडा कानून का अनुभव है। सब लोग स्वीकार करते हैं कि टाडा का दुरुपयोग हुआ। उस समय की सरकार ने अनुभव के आधार पर सब बातें सामने रखीं। इस पर जनमत कराने के बाद उस कानून को खत्म किया गया। लोगों के दिलों में ठेस पहुंचाने के बाद भी इनमें बुद्धि नहीं आई। इन्होंने अनुभव के खिलाफ काम किया और फिर से टाडा की तरह पोटो ड्रैकोनियन कानून को लाकर सिविल राइट्स, व्यक्ति की स्वतंत्रता, फंडामैंटल राइट्स को छीनने की साजिश रची। यह फासिस्टवादी सरकार है। यह एक काला कानून है। मैं सदन से प्रार्थना करूंगा कि वह इसे खारिज करे। इस समय इनके सहयोगी दल लाचार हैं। चूंकि विपक्ष कोई विकल्प नहीं बना पाया इसलिए सहयोगी दल इन्हें समर्थन दे रहे हैं। इनके सहयोगी दल गाली सह कर भी उधर चिपके हैं। यहां साम्प्रदायिकता दुत्कार रही है। हमारा धर्म निरपेक्ष राट्र है। इसी नीति को अपनाते हुए कदम उठाए जाएं।

सत्ता पक्ष वाले कहते हैं कि पोटो का दुरुपयोग नहीं होगा लेकिन इनके दो मंत्री श्री अरुण जेटली और श्री अरुण शोरी ने शुरु में बयान दिया कि अन्य सारे कानूनो का दुरुपयोग होता है तो इसका भी दुरुपयोग हो सकता है। इनकी पार्टी के दो मंत्रियों का यह कहना है। वे यह नहीं कहते कि इसका दुरुपयोग नहीं होगा बल्कि कहते हैं कि इसका दुरुपयोग होगा। इसका दुरुपयोग शुरु भी हो गया है। अभी हाल ही में किसी वर्ग विशेा के खिलाफ पोटो लागू करके बाद में उसे हटा दिया। इन्होंने 62 व्यक्तियों के खिलाफ एक तरफा पोटो लागू किया। असली दंगाइयों के खिलाफ पोटो लागू नहीं किया। आप विश्व हिन्दू परिाद, बजरंग दल, दंगाइयों और श्री नरेन्द्र मोदी को पोटो में गिरफ्तार करें। हम भी इससे सहमत होंगे और यही कहेंगे कि पोटो को पास किया जाए। इसमें भेदभाव हो रहा है। दंगाइयों के खिलाफ कार्रवाई की कोई बात नहीं हो रही है। देश को तोड़ने वाली जो शक्तियां और संगठन हैं, उनका नाम इसमें नहीं है। इससे साफ लगता है कि यह कानून एंटी माइनॉरिटी. एंटी पीपुल और विपक्ष को दबाने के लिए एक दमनकारी कानून है। इसलिए हम किसी हद तक पोटो के इन टोटो खिलाफ हैं और खिलाफत करते रहेंगे। यदि आप नहीं मानेंगे तो जनता के बीच जाएंगे। हिन्दुस्तान की जनता जनतंत्र और सैकुरिज्म को पसन्द करती है। इन्होंने पोटो को राजनीतिक कारणों से मुद्दा बनाया लेकिन चारों राज्यों से इनकी विदाई हो गई। अब यह देश भर में पोटो को मुद्दा बना रहे हैं। यहां दिल्ली से भी इनकी विदाई निश्चित है। दुनिया की कोई ताकत इनके सफाए को रोक नहीं सकती। यह पांच साल की प्रतीक्षा में है लेकिन यह सरकार पांच साल भी पूरे नहीं कर पाएगी। डाक्टर लोहिया ने कहा था कि पांच साल तक ऐसी सरकार का इंतजार नहीं करनी चाहिए। बीच में ही उन्हें हटा देना चाहिए। हम भी ऐसी सरकार का सफाया करेंगे। यह 20 राज्यों से ज्यादा में गायब हैं। इनकी केवल 2-3 जगह दंगाई सरकार है। पोटो जैसे काले कानून को खत्म करना चाहिए। यह कानून जम्हूरियत के खिलाफ है और हिन्दुस्तान के माथे पर कलंक है। आज गुजरात में दंगाई नाच रहे हैं।

* इसी बात के साथ मैं पोटो के खिलाफ आह्वान करते हुए यह कहना चाहता हूं कि यह देश का काला कानून है, जनतंत्र के खिलाफ है, मानव अधिकारियों का हनन करने वाला कानून है। आर्थिक क्षेत्र में यह सरकार फेल रही। यह सरकार गरीबों की दुश्मन है। यह दंगाइयों की सरकार है। पोटो कानून को खारिज किया जाना चाहिए। इतना ही मुझे कहना है।

*Expunged as ordered by the Chair.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Thank you, Mr. Chairman.

As has been said today, this is an extraordinary situation and we are enacting a law which is equally extraordinary.

I had said, while discussing this Bill in the Lok Sabha, that when there is a demand in the State, the society itself gives more powers to the State or to the establishment to restore law and order.

In this country, with so much of bloodshed and with so much of killing, there is a necessity to have a stringent law. Two aspects have been dealt with in this Bill − one is terrorist activities and the other is disruptive activities.

Regarding the terrorist activities, there is nothing more for me to add to what has been said today. But regarding

disruptive activities, the whole nation is affected by it. I had drawn the attention of the House to one aspect of this Bill − how the Member from Purulia had been raising objections. I want to draw the attention of the Members of both the Houses to the case relating to the Purulia arms drop. When this Bill is enacted as a law, it should look into this aspect also.

It is not only the cross-border terrorism, not only terrorism being exported by our neighbouring countries, that this Act should take care of, but those countries or those elements who are sending arms and ammunition to create disruptive activities in different tribal areas should come under its purview.

Another question was raised while discussing this in both the Houses − why have we deployed so much of armed forces in our Western front. The reply was given by the hon. Defence Minister in Lok Sabha. The reply was that after the attacks on Talibans by the Allied Forces under the leadership of the United States, the Pakistan Army pulled out all its armed forces and positioned them on the Indian border. Why did it do so? Due to that we have deployed a large part of our Armed Forces on the Western border. Now, the snow will be melting and a lot of infiltration will be taking place. That is the main reason why we should have this law. It is to apprehend those terrorists.

There are three aspects which are to be looked into. They are, to target terrorists, to target those people who will be sheltering the terrorists, and to those who will be providing finances to them. These are the three aspects which should be taken care of by this. On behalf of the Biju Janata Dal, we extend full support to this Bill and I support this Bill *in toto*.

MR. CHAIRMAN : Another 20 speakers are there to participate in this discussion. They will be completing as early as possible. Kindly cooperate so that we can complete it early.

SHRI C. RAMACHANDRAIAH (ANDHRA PRADESH): Sir, we the TDP, have supported this Bill both in Lok Sabha and Rajya Sabha and we extend our unequivocal support even at this eventful Joint Parliamentary Sitting.

Everybody is aware and everybody has to accept that state terrorism has assumed gigantic proportions not only in this country but also at the global level. It is the primary duty of any civilised Government to provide security to the people which can be only possible by curbing the terrorism at grass-root level. One important aspect of this terrorism is that it adversely affects the economic growth of the country. Some mis-utilisation of a particular law has been discussed. We have been entertaining hallucinations and imaginations and the need of the hour is to provide safety to the citizens of the country. We should make them live with a sense of security and with peace and tranquillity. It is not possible unless the Government contains terrorism.

After India opted for economic liberalisation, it was genuinely believed by the economic experts, the financial managers of this country that having the tenth largest production base and one of the largest scientific pools in the world with an indigenous Space and Atomic Energy programmes, with free Press, free economy, free democracy and the English speaking capability, we should naturally attract billions of rupees in this country as FDIs but which was not the case. What is the reason? Let us have an introspection.

The Government is trying to create a conducive atmosphere for the industrialisation of the country and in spite of that we are unable to get it. Take for example the case of China. With a regimented society, with no free Press, no free democracy and with no free economy it has been getting 40 billion of dollars per annum. The only conclusion I can draw is that it has got a disciplined society, perfect law and order and tranquillity in which people are living there. So, the Western countries may criticise China but China is the greatest beneficiary as far as the economy is concerned. Sir, this is mainly because of the law and order situation in our country. To take the case in a post-liberalised scenario where there is no licensing, to direct the direction of investments in a particular State or a place, only a State which can project itself as a showcase can attract the investments. I can say at this juncture that no Chief Minister in this country has ever tried as Shri Chandrababu Naidu to get the foreign investment in spite of that we regret to say that our efforts are not encouraging because of the extremist problems that are being faced by our State, which we are trying to solve and we have gone to the extent of negotiating with them, making terms with them so that the glass can be cut. Such efforts are needed today. We should not politicise the issue or take any political advantage out of it.

At this juncture, it should be the endeavour of all political Parties, not only one particular Party to make such efforts. Today one Party is in power and the same Party may be in the Opposition tomorrow. We should not derive political advantage out of everything. A gentleman was talking about the civil rights. Can anybody have the moral right to ask about the civil rights? Can anybody arrogate himself as the champion of civil rights? In this country an emergency was declared when a particular individual lost the elections. More than three lakh persons, including Lok Nayak Jai Prakash Narain, were arrested. Censorship was imposed. Black laws were executed. And, in a particular incident when a person was shot dead by an official, there was no appellate authority, no appeal. That was the state of affairs at the time of emergency.

18.00 hrs.

I wonder how some of us are arrogating to ourselves the right of talking about civil rights. It is very unfortunate. Let us be pragmatic.

MR. CHAIRMAN : Now, the time is 6 p.m. and another 15 speakers are there. If the House agrees, we could extend the time till the completion of the business.

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: So, the House agrees to extend the time of the House till the completion of business.

SHRI C. RAMACHANDRAIAH : Sir, that is why my appeal to all the Members is that we should cooperate with the Government and the Government should also leave no stone unturned in its endeavour to uproot terrorism from the country in whichever form it may be there. When we look at the problem of terrorism, we know that the actual breeding centres are somewhere outside the country. Sir, without the connivance and without the abetment of the local people, terrorist incidents cannot take place. So, it is high time that the Government sincerely take all the constructive measures to curb terrorism.

Sir, very profusely the American and British laws have been quoted. I wonder do we need American laws here? We need laws to suit this country. We need Indian economic policies to suit this country. Let us not import policies which are prevailing in America or United Kingdom.â€¦ (*Interruptions*)

MR. CHAIRMAN: Please do not interfere.

SHRI C. RAMACHANDRAIAH : I have not taken the *wakalat* on behalf of the Law Minister. I am talking on my own behalf...(*Interruptions*)

Sir, having said this, I, as a parliamentarian, appeal to the Government to kindly ensure that this law is not misused...(*Interruptions*)

MR. CHAIRMAN: You please maintain dignity and decorum of the House. Why are you laughing like this.

SHRI C. RAMACHANDRAIAH : Let us not live in hypocrisy. When you are in power, you want a different law but when you are in the Opposition, you are opposing it....(*Interruptions*). You are responsible for the destruction of all the democratic institutions in this country. You have stifled with the judiciary. You wanted a committed judiciary. You are responsible for all the evils of the society and now you are preaching all these things. It is a very sorry state of affairs. Let us discard all this...(*Interruptions*) I repeat it with all the force at my command and I will never mince words. That was the fact. That is the history. How long you would play havoc with the economy of this country? Forty-nine per cent urban population and 42 per cent of the rural population is still under-nourished in this country. Twenty-five per cent population is living with low calorie value and we are not caring about them. We are not caring about the masses. We are not caring about the people living below the poverty line. We want to make political advantage out of a law which has got no significance. I will tell you that. Let us be very frank and let us be pragmatic. After all we have been elected by the people to serve the people and to strengthen them economically. That should have been our attitude.â€¦ (*Interruptions*). Kindly do not provoke me to make comments which you cannot relish. Sir, this Act has to be implemented by a very lower rung officer like SI.

It may be under the supervision of a Superintendent of Police. It cannot be run by Ministers. What is your difficulty? You have fourteen States under your control. Do you not have confidence in your own Chief Ministers and Home Ministers of the States run by your Party? The philosophy or the logic put forward by the Opposition is that supposing there is a lock-up death in a police-station, you destroy or remove the police-station itself. This is no way. Let us talk with the Government so that we can bring out a statute which may be useful to the society and the people can live in utmost tranquillity. That should have been the spirit.

I would request the opposition to stand by this Bill. Let us receive all the pragmatic suggestions so that the Act can be made more effective. I also find that there is virtually no judicial jurisdiction in this Bill. I am aware of it. Therefore, let there be some Committees at the State level consisting of retired civil servants and jurists so that they can act as an appellate authority in order to see that no abnormal thing or aberration takes place in the country. That is why I appeal to the main political parties not to entertain any misplaced doubt or suspicion. Let us be very pragmatic; let us come out with some amendments if you want them so that this statute can be made and effectively implemented.

डॉ. रघुवंश प्रसाद सिंह : सभापति महोदय, प्रधान मंत्री जी, गृह मंत्री जी और कानून मंत्री जी, तीनों ही सदन में उपस्थित नहीं हैं। मैं आपके माध्यम से जानना चाहता हूं कि क्या वे पोटो को वापस लेने पर पुनर्विचार करने अर्थात् पोटो को खत्म करने पर विचार-विमर्श करने गए हैं ? यह हमें बताया जाए।â€¦ (व्यवधान)

MR. CHAIRMAN : So many Ministers are here. They will also come shortly.

...(*Interruptions*)

MR. CHAIRMAN: Okay, I will call the Home Minister. The Home Minister is coming. Please sit down.

...(*Interruptions*)

DR. RAGHUVANSH PRASAD SINGH : Rethinking process has started. The Prime Minister, the Home Minister and the Law Minister are absent. ...(*Interruptions*)

कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.) : सभापति महोदय, सायंकाल के छः से ज्यादा का समय हो गया है, लेकिन अभी तक वोटिंग नहीं कराई गई है। मेरा आपसे आग्रह है कि वोटिंग का समय निश्चित किया जाए और हमें बताया जाए कि वोटिंग् कब होगी। â€¦ (व्यवधान)

MR. CHAIRMAN: If everybody agrees, we will go for voting. Please sit down. Now, Shri J. Chitharanjan to speak.

...(*Interruptions*)

MR. CHAIRMAN: Shri Akhilesh, please sit down. I have already called one Member and he is on his legs. He is about to speak. This is not the way.

...(*Interruptions*)

SHRI J. CHITHARANJAN (KERALA): Mr. Chairman Sir, I, on my own behalf and on behalf of the Communist Party of India, oppose the Prevention of Terrorism Bill in toto.

After the Bill was defeated in the Rajya Sabha, I thought that the hon. Prime Minister, hon. Home Minister and the Government as a whole will reconsider their stand so that a consensus could be worked out and steps could be taken for that. Unfortunately, they have not done that. Instead of that, they have taken steps to convene a joint sitting of the two Houses. And of course, this is a part of the confrontation. I thought that the Prime Minister will definitely think about resorting to some other method so that a consensus could be worked out because the Prime Minister had always been, since the time he has taken charge, repeating that he will proceed on the basis of consensus. But here, regarding this Bill, it has become clear that there is terrific opposition involving large sections of people. Not only the Members of the Legislatures but even the National Human Rights Commission have unanimously expressed their view that this law is not at all needed at this moment to face the terrorists. They have also stated that the existing laws − I do not name the existing laws − will be enough to deal with them provided they are implemented effectively and proper machinery is being arranged so that implementation may be carried out.

18.09 hrs (Shri Suresh Pachouri *in the Chair.)*

This is what the National Commission on Human Rights has said. It is not said by persons like me or even other people but said by a very authentic and statutory body, the Chairman of which had been the Chief Justice of India for some time and is a reputed person. It is not only that. Please look at the national papers. Almost all the national papers have written against it. All the national papers have condemned the attempt to convene a Joint Session of the two Houses to push through this Bill.

Then several legal luminaries have also expressed their views. For example, Justice V. Krishna Iyer, Shri Nariman and several legal luminaries have expressed their views that this will be curtailing the democratic rights of the citizens which are guaranteed by the Constitution. Therefore, they have all expressed their views. Besides that, several other organisations have expressed their views. A large number of political parties are also opposing it. It has not occurred in the case of any other Bill. Therefore, it is a very unusual situation. In that case, if the Government tries to push through the Bill in this joint sitting, then that will be ignoring the biggest opposition that is there for this Bill. That will not be correct.

Secondly, I have to say something regarding the provisions of the Bill. I do not want to go into the details but generally speaking, there are several provisions and Clauses of the Bill which are very objectionable. For example, Clauses 3 is giving the definition of terrorists. The definition given in the Bill is very vague and nebulous. Therefore, it can be misused to a greater extent. Then, Clause 14 is regarding furnishing information in the possession of individuals as well as institutions. Clause 18 is likely to be used against organisations critical of Government or even political opponents. Then, there are Clauses 32, 37 and 45 which are objectionable. These provisions are in contravention of all the basic principles of jurisprudence and also against the principles of the Evidence Act and several other legislations. Therefore, these provisions are highly objectionable and the Bill itself is totally objectionable.

Then, coming to another point, why is the Government particular about insisting on this Bill?

श्री सत्यव्रत चतुर्वेदी (खजुराहो) : सभापति महोदय, मेरा नाम सूची में है। आप मुझे बोलने का मौका कब देंगे ?

MR. CHAIRMAN : I will let you know. Please wait for some time.

SHRI J. CHITHARANJAN : Of course, the Home Minister has argued that such a Bill is necessary in order to control the terrorist situation. Along with that, he came out with two reasons. One is that the United Nation's Security Council has passed a Resolution. He did not say what exactly is stated in that Resolution. What the United Nation Resolution has said is that, a comprehensive and effective measure will have to be taken. That is all. Then, why should they insist for a law like this, when there is a serious opposition to this Bill at this time? What they have said is that, when they go to America or Britain, people are asking what you are doing. If the Bill is not passed, they will ask us, even though you are suffering from terrorism, why you are not taking sufficient steps? A little while ago, the Prime Minister himself has said that we cannot depend on anybody else to prevent terrorism. We have to face these terrorist attacks and we have to contain this terrorism using our own strength. If we have to face it ourselves, then why are you bothered about the questions that would be raised by the Britain or the United States officials. Why are you not worried about the questions and opposition raised by various sections of people in the country? Legislators, State Governments, National Human Rights Commission and several important organisations and establishments have already raised objections. You are not interested in replying to them. You are not concerned about them.

Therefore, what I have to say is this. This Bill should be rejected or else the Government should take other measures to bring about consensus as to how to face this problem of terrorism, if some new measures are needed. Instead of that, if you push through it, really you will be dividing the society. The Home Minister and the Law Minister raised a question as to why should we question the methods of the Government and as to why we should question the Government's *bona fides.* Let us be very clear about it. There is a very strong feeling among the people that the Government is taking a partisan attitude. Take, for example, there are organisations in this country which are declaring that for security we should not depend on police, but we have to get arms, not only get arms, but keep them in our houses. An organisation which is very much connected with the BJP is making that statement.

Recently, an organisation has passed a Resolution that minorities, if they want to subsist here in a peaceful manner, they will have to get favour of the majority community. If this is the case, the basic fundamental principles of our Constitution are being thrown overboard. Moreover, when this Government came into power, the first thing they did was to review the Constitution. They appointed a Commission. They have expressed some views. They said that Presidential form of Government is required. Therefore, people have their own doubts. What has happened in Gujarat? That had aggravated or increased the feelings and fears of minorities and other sections of the people. We also fear that this will be used against the working class, peasants and other sections of toiling

masses who will have to fight against the anti-people policies of the Government. They will also be attacked by POTO. Therefore, we are of the opinion that this should not be adopted. Therefore, I appeal to the Joint Session that this Bill should be rejected.

MR. CHAIRMAN : Dr. Sushil Kumar Indora to speak now.

...(*Interruptions*)

श्री संजय निरुपम (महाराट्र) : मैं एक सूचना सदन को देना चाहता हूं, जिस विाय पर अभी सदन में चर्चा चल रही है।â€¦ (व्यवधान) मैं एक महत्वपूर्ण सूचना देना चाहता हूं।

MR. CHAIRMAN: Shri Sanjay, please take your seat. I have called the next speaker to speak.

...(*Interruptions*)

सभापति महोदय : आपकी पार्टी के लिए जो निर्धारित समय था, वह नौ मिनट था, ऑलरेडी 29 मिनट इन्होनें ले लिए गये हैं।

MR. CHAIRMAN: No. I have called the next speaker to speak.

...(*Interruptions*)

MR. CHAIRMAN: Nothing will go on record.

*(Interruptions)**

श्री संजय, मैंने उनको बुला लिया है।

...(व्यवधान)

MR. CHAIRMAN: I have called the next speaker to speak. Please take your seat.

*Not Recorded.

डॉ. सुशील कुमार इन्दौरा (सिरसा) : सभापति महोदय, आज दो बड़ी पंचायतें इकट्ठी होकर आतंकवाद विरोधी कानून के तहत एक महत्वपूर्ण मुद्दे पर आतंकवाद निरोधक कानून के तहत हिन्दुस्तान की दो बड़ी पंचायतें एक फैसला लेने वाली हैं कि देश में आतंकवाद रहे या न रहे। सरकार ने मुद्दा बनाया और आज देश के हालात पुकार-पुकार कर इस बात को कह रहे हैं कि हमारे देश में एक ऐसा कानून होना चाहिए, जिसके तहत आज जो निर्दोा लोग मारे जा रहे हैं, विदेशों से धन आ रहा है, उस धन के बलबूते पर विदेशी लोग आकर हमारे लोगों को बरगला कर यहां खून-खराबा करते हैं, कत्ले-आम करते हैं, आतंकवाद फैलाते हैं। सरकार आज हालात को मद्देनजर रखते हुए यह कहती है कि पोटो एक कानून बनाया जाये। वैसे तो मैं एक बात यह भी कहूंगा, मेरी एक सोच है कि सरकार अपने आपमें ताकत होती है, चाहे वह प्रदेश की सरकार हो और चाहे देश की सरकार हो। सरकार अपने आपमें सक्षम होती है, अगर हालात के मुद्देनजर जरूरत न हो तो सरकार हर चीज पर काबू पा सकती है, चाहे वह भ्रटाचार हो, चाहे आतंकवाद हो। अगर उन हालात को देखें तो कानून की जरूरत नहीं है कि पोटो लाया जाये, लेकिन उसको सं वैधानिक रूप दिया जाये, यह सरकार की मंशा है और उस मंशा को पूरा करने के लिए आज यह जोइंट सिटिंग हो रही है, उसमें पोटो पास करने की बात है।

कानून बनाना कोई बुरी बात नहीं है, लेकिन जब से मैं हाउस में बैठा हुआ देख रहा हूं कि किसी ने भी क्लाज टू क्लाज पोटो के कानून को देखा है, जो विरोध करने वाले लोग हैं, उनमें से किसी ने भी किसी क्लाज को नहीं देखा है। एक-दो को छोड़ दें तो किसी क्लाज पर टिप्पणी न करते हुए सिर्फ एक बात बार-बार कही कि इसका मिसयूज होगा। बार-बार यह बात कही गई कि राजनैतिक तौर पर माइनोरिटीज पर मिसयूज होगा। आज सरकार इन लोगों की है, हम लोग सरकार के सहयोगी हैं, हम बीच के लोग हैं, लेकिन क्या विपक्ष के लोग यह बताएंगे, हालात बदलते देर नहीं लगता, इधर से उधर और उधर से इधर होते हुए देर नहीं लगती, तब क्या इसी सदन को आश्वस्त करेंगे कि उसका मिसयूज होगा कि नहीं होगा? हालात कभी भी बदल सकते हैं, यह तो देशहित की बात है, अगर इधर के लोग इधर आ गये तो क्या ये यही शंका जाहिर करेंगे कि इसका मिसयूज नहीं होगा, इसका माइनोरिटीज पर मिसयूज नहीं होगा, अगर कल को हालात ऐसे भी पैदा हो जायें तो आपको इस तरह के लोगों के सामने हाथ जोड़कर कहना पड़ेगा कि हम देश में एक ऐसा कानून लाना चाहते हैं, जिसमें हमारा सहयोग करिये। आज सरकार देशहित में, क्योंकि न केवल पूरे राट्र में, बल्कि अन्तर्राट्रीय स्तर पर इस बात को उठाया जा रहा है कि पूरे संसार में जब आतंकवाद बढ़ रहा है, कोई भी देश इससे अछूता नहीं है, अलग-अलग देश अपने-अपने कानून बना रहे हैं। हम अपने देश में कानून बनायें, उसको संवैधानिक रूप दें। अगर कहीं हमारी कमियां रहें, हो सकता है कि कहीं कमियां रही हों तो उसमें एमेंडमेंट किया जा सकता है। आज हमें नहीं लगता कि सरकार की मंशा खराब है। हमें नहीं लगता कि सरकार इसका दुरुपयोग करना चाहती है। इस कानून को बनाने वाले हम हैं, लागू करने वाले हम हैं तो हम एक दूसरे से क्यों डरें?

आज हम कानून बना रहे हैं, उसको लागू करने वाले लोग भी हमारे हैं, तो हमें किस बात का डर है। हम क्यों यह चर्चा बार-बार कर रहे हैं कि इसका दुरुपयोग होगा और अल्पसंख्यकों पर इसका बेजा इस्तेमाल किया जाएगा। मैं कहना चाहता हूं कि सरकार की मंशा अच्छी है और सरकार इसे अच्छे ढंग से लागू करेगी। मेरा तो यह भी कहना है कि हम लोग कानून तो बना देते हैं, लेकिन जिस मुद्दे के लिए बनाते हैं, उस पर पूरी तरह अमल नहीं करते, इसलिए मैं इस बात का पक्षधर हूं कि इसमें ऐसा नहीं होना चाहिए। हमारी सोच है कि जो कानून हम बनाएं, वह सही ढंग से लागू करें। कई बार देखा गया है कि कई कानून ऐसे ही पड़े रह जाते हैं, यह नहीं होना चाहिए। देश में अमन चैन हो, परस्पर प्रेम और भाईचारे का माहौल बने, हर जाति और धर्म के लोग मिलजुल कर रहें और बाहर से आकर लोग हमें उकसाएं न इसलिए हम चाहते हैं कि पोटो का सही ढंग से इस्तेमाल हो।

सभापति महोदय, मैं विपक्ष के माननीय सदस्यों से भी अनुरोध करूंगा कि देश में यहां से एक संदेश जाए कि हम इस मामले में सारे इकट्ठे हैं। इसलिए विपक्ष के लोग भी पोटो का समर्थन करके सरकार को मजबूती प्रदान करें। यह न केवल सरकार की बात है, बल्कि सारे देश के हित की बात है। देश के हित में जो हम कानून बनाने जा रहे हैं, उसको पूर्णरूपेण लागू करें, यही हम चाहते हैं। मैं इस कानून का भरपूर समर्थन करता हूं और यही कहता हूं कि इसको सही ढंग से लागू किया जाए।

कुंवर अखिलेश सिंह : हमें बताया जाए कि मतदान कब होगा ?

सभापति महोदय : सभी राजनीतिक पार्टियों के वक्ताओं को अवसर दिया जाएगा। संसदीय कार्य मंत्री जी से चर्चा करने के उपरांत बता दिया जाएगा।

SHRI PURNO A. SANGMA (TURA): Mr. Chairman, Sir, much has already been said about POTO today. The Lok Sabha and the Rajya Sabha have debated separately. I do not want to take much of the time of the House. I would basically make three-four points.

There are different dimensions of terrorism. The first dimension is to deal with the export of terrorism into our country, which we call `cross-border terrorism'. The second dimension is domestic insurgency. I come from an area and region where we experience everyday as to what domestic insurgency means. The third dimension of terrorism is the combination of the first and the second one, that is, the exported terrorism and the domestic insurgency. The fourth dimension is narco terrorism, which includes terrorism across the borders and the related crimes. Then, of course, the fifth dimension of terrorism, that is, the organised crimes and terrorism operating in tandem.

Another one, which perhaps we sometimes forget to think about it, is the way terrorism is growing technologically. Terrorism growing technological with highly destructive weaponry and the use of communication system. Last but not least is globalisation of terrorism. It is no more the crime confined to a particular country or any particular area. It

has become global.

Sir, *Al Qaeda* is reported to have their operation centres in 21 countries including India. Now, given these dimensions of terrorism, how do we deal with that is a very pertinent question. The question arises whether the present type of terrorism that is existing here and everywhere, particularly in India, can be dealt with by the existing legal systems, the Indian Penal Code or the Criminal Procedure Code − TADA has been repealed − can this problem be dealt with by the existing law is a question before the nation. My humble opinion is that the dimension of terrorism has taken such a shape − I have given some examples − that this problem cannot be tackled by the existing legal system, within the framework of the existing laws.

What is terrorism? What does our law say about terrorism? Is terrorism a crime under the Indian Penal Code? Has terrorism been defined in the Indian Penal Code? To my knowledge, 'no'; terrorism has not been defined. Therefore, we feel that there is a need for a separate legislation to tackle terrorism in our country. We are the country which has suffered maximum due to cross-border terrorism and India has been pleading with the whole world at every international forum, impressing upon the world community the dangers of terrorism, the dangers of cross-border terrorism.

I had the privilege of leading Indian Delegations many times to many countries. In every international forum we had impressed upon them to recognise how dangerous it was, how India was facing cross-border terrorism. We did not get much of a response, to be very frank. Even recently, the Government of India was very kind to send Parliamentary Delegations to many countries. I had the privilege of leading the Delegation to the European Parliament. We went there to tell the European community what cross-border terrorism means, what terrorism means. Shrimati Margaret Alva is just back from the IPU Conference at Marakkesh and Shrimati Najma Heptulla is the Chairperson of the IPU. I know that there was an Indian-sponsored Resolution in the IPU Conference, because when I went abroad, to European countries, I got a lot of fax messages saying that I must campaign for getting support to the Resolution to be tabled by India on terrorism. When we have been doing all this and we have been trying to mobilise the world opinion against terrorism, how can we say that we should not have a law to curb terrorism? I do not think we can sell this idea now. A law is required. We will have to have a law and terrorism has to be dealt with very seriously.

When this Ordinance was promulgated, we had reservations. We had a party meeting chaired by our President Shri Sharad Pawar. We asked our Legal Cell to advise us. We had a lot of reservations about the Ordinance, but when the Prime Minister called the All Party Meeting, my leader Shri Sharad Pawar attended and he proposed eight specific amendments to be carried out in the revised Bill.

I must thank the Government. The Government has accepted most of the amendments that we suggested in that meeting. We are very grateful for that.

The apprehension that is being expressed is very genuine. There might be a misuse of this law as TADA had been misused. Particularly the minority communities in this country are very apprehensive. We must recognise that aspect. We must ensure that this law is not misused.

But the point is that it will be misused. I do not think there is any law in our country that is not misused. Every law is being misused. In my view, that apprehension for misuse of the law should not be a reason for not enacting a law. How can this be a reason not to enact a law?

Now, who will do the misuse? That authority which is implementing it will do the misuse. It is the State Government that will invoke POTA. It is the State Government that will implement this law. As Shri Somnath Chatterjee has rightly pointed out, most of the States in this country are being run by the Opposition parties. So, I do not know why they are thinking of misusing it. They should not. I appeal to them not to misuse this law.

With these words, I extend our support to the Bill.

MR. CHAIRMAN : Now, Shri H.K. Javare Gowda. According to the strength of your party, the time allotted is three minutes. But you may speak for five minutes.

SHRI H.K. JAVARE GOWDA (KARNATAKA): All right.

MR. CHAIRMAN: Please be brief.

SHRI H.K. JAVARE GOWDA : Mr. Chairman, Sir, I thank you for having given me this opportunity. Many senior and learned Members have spoken about the sequence of events and the acts of omission committed by various parties and the misdeeds committed by the past Governments and the present Government? I am going to stick on to a particular aspect of the law. I ask the Treasury Benches to please look into the definition. In the definition, the suspicion is there. When you suspect a man, you are going to invoke POTO. The suspicion is not a truth. It is only

an assumption. But unfortunately a man has to suffer for one year without any piece of evidence.

I am going to urge upon the Treasury Benches about another point. Please look into Section 3, sub-clause (7). Mr. Law Minister, I would like to draw your kind attention. What is that? Section 3, sub-clause (7) prescribes punishment for a maximum period of three years or fine or both. I am a *Mofussil* lawyer. You are practising in the Supreme Court. You are a legal luminary of this country. After conviction, what has the court to do? If fine is there, an option is there. There will be only fine, and not jail. Under those circumstances, Section 49, sub-clause 7 says: "For one year without trial, he has to be in jail." Why? Are you going to rectify that or not? That is my moot question. You please answer that.

Many advocates and Members have spoken regarding Section 32 of the POTO and the Indian Evidence Act. Even today, the Indian Evidence Act is one of the best pieces of legislation in the world. But under this Act, you have given a go-by and an over-riding effect. If a man is alleged to have committed an offence under this Section, the agency will put him behind the bars. Even after one year, if you are going to acquit that person, what will be the fate of his family?

18.39 hrs (Shri T.N. Chaturvedi *in the Chair)*

In what way are you going to compensate the man who has suffered for no fault of his in life in a jail? That is to be answered by you.

The second point that I am going to urge upon the hon. Members is this. I am not going to make a political speech in this House. I ask all the hon. Members that you have all suffered under MISA, you have all suffered under TADA, and now you are going to suffer under POTO.

After 19th of this month, what is the good conscience and what is the bad conscience of Gujarat Government that made them to invoke POTO against the so-called accused? On 22-3-2002, what is the good conscience and what is the bad conscience of the Gujarat Government that made them to revoke that Section? Please explain that.

SHRI N.K. PREMACHANDRAN (KERALA): Thank you Mr. Chairman for giving me this opportunity to vindicate the views of RSP, my party, regarding the Prevention of Terrorism Bill 2002, which is passed by the Lok Sabha and rejected by the Rajya Sabha, in this historic Joint Session of this Parliament.

At the outset, I strongly and vehemently oppose the Bill, POTO 2002, as it infringes the basic fundamental rights, violates the human rights and civil liberties of the people of this country. So, I would like to describe it as a draconian piece of legislation since it is lacking human values and freedom. If this Bill is enacted as a law, definitely it will be a set back for the promotion and protection of civil liberties and human rights in this country. So, I appeal to the whole House that this draconian piece of legislation, this black law has to be rejected *in toto* by the Joint Session of this House. That is my first appeal.

Regarding the promulgation of the Ordinance, the Ordinance was first issued on 24th October, 2001 and immediately after that during the Winter Session, it was sought to be introduced before the House. Due to vehement opposition, it could not be introduced. On 30th December again, the second Ordinance was promulgated and in the Lok Sabha it was passed in the Budget Session, but in the Rajya Sabha it could not be passed.

Why the Government has, introduced POTO, Bill in this Joint Session if it is believing in democratic principles? If this Government is believing in democratic principles, the Government ought to have tried for a consensus between the parties to have a reconsideration and review of the harsh provisions of this Bill. Instead of taking such a step, this Government has taken a hasty step to convene the Joint Session to get the Bill passed. There lies the intention of the Government and the intention of the Government is not *bona fide*. Is it an attempt to curb terrorism? No.

The Leader of the Opposition in the morning has said that this Bill is introduced with a *mala fide* political motive and intention and the parliamentary procedure has been used for the same. I fully support the Leader of Opposition because this Bill is intented to suppress the democratic movement in this country. Against this Government, because of the economic and labour reforms, strong agitation is coming in this country. The Government wants to suppress the democratic moves in this country. The Government also wants to misuse the provisions of this Bill so that the interests of the minorities will be adversely affected, and that the *Hindutva* political doctrine of BJP can be implemented in this country. That is why we are saying that this is lacking *bona fide* intentions.

Mr. Chairman Sir, when the hon. Home Minister was replying to the debate in the Rajya Sabha, he has been appealing to the House not to attribute motives on us and not to doubt the sincerity of the Government. I would like

to very vehemently say that we are doubting the *bona fides* of this Government because of the recent happenings that we saw in Gujarat. POTO has been used against a particular community, but it has not been used against the other community. So, the discrimination, the misuse, the selective use of POTO against a particular minority community has been established in the recent Gujarat episode. Then how can we rely upon the Government? How can we rely upon the *bona fide* intentions of this Government?

Due to paucity of time, I am not going into the details of this Bill.

So, if the present laws, which are now in existence are sufficient to deal with the terrorist acts in this country, what is the need of this draconian legislation? It is against the principles of criminal jurisprudence, against the principles of natural justice and against the principles of common law, and this draconian legislation has to be rejected by this House also.

Sir, I would like to say that in order to protect the secular fabric of this country and also the democratic values of this country, this Bill has to be rejected.

With these words, I oppose this Bill and I hope, I believe and I appeal to the House that this POTO Bill may be rejected *in toto* so that the secular fabric and the democratic values of this country will be protected.

SHRI P.D. ELANGOVAN (DHARMAPURI): Mr. Chairman, Sir, on behalf of our Party, *Pattali Makkal Katchi*, and our beloved leader, Dr. Ramdas *Ayya*, I wish to convey our views in this historic Joint Sitting of both the Houses of Parliament. I wish to speak in Tamil.

*Sir, I thank the Chair for giving me an opportunity to speak on the historic occasion to pass POTO as an Act in the joint sitting of the Parliament. I would like to put forth my view on behalf of our founder leader Dr Ramadoss and on behalf of our party Pattali Makkal Katchi − PMK.

Nation, in the present scenario, needs to have prevention of terrorism law. The dastardly acts perpetrated by the terrorists have to be contained. In their disruptive acts whoever lend them support either directly or indirectly thereby causing damage to the country's unity and peace must be identified and must be brought to book. In order to bring them before law and to punish them accordingly POTO is essential at this juncture.

Those who resort to terrorism and those who extend support to the terrorists are both against the society and humanity. They are enemies to the human kind. Showing concern to such inhuman people would be like venturing into the hiding place of a poisonous cobra.

A specific community particularly the minority community may be hunted down with POTO is the apprehension in the minds of some people. Political parties may settle scores with one another using POTO is another misapprehension in the minds of some others. Though these are needless apprehensions, we cannot deny that there is no basis for these apprehensions. What happened in the past suggests that there is basis.

POTO aims at crushing down terrorists. The apprehension that it may pounce on innocent citizens can be dispelled only when they are judiciously exercised.

Both the Union and the State Governments, through their fair implementation must give a guarantee to the Parliament that passes this Bill. I

have no doubt and fervently hope that they will all be fair.

When an individual is booked under POTA, an impartial and objective enquiry must be there to ascertain their family and social background.

A person held under POTA if proved innocent must be adequately compensated. It they have been deliberately wronged the official concerned who misused or abused the law must be punished.

When exercising the authority conferred by POTA, every official especially the police officers must be above board, non-partisan and objective with impeccable integrity beyond doubt. Both the Union and the State Governments must ensure this. The conduct of such officials in the past, their service history and their current assignments must be carefully monitored.

POTA, as a law, must be handled by the Union and the State Governments in a transparent manner. Care must be taken to avoid wreaking vengeance and settling scores. It can be evolved to have a fortnightly review by a Standing Committee of the Parliament. Every State may also constitute such review Committees comprising of a Human Rights Jurist, a senior journalist, a retired judge of a High Court, a member of an NGO for the cause of Human Rights, and the representatives of recognised political parties.

Press being one of the pillars of democracy, press must have its press freedom uncurtailed. The POTO Bill incorporates amended provisions to ensure this. Still the responsibility vests with the Union and State Governments.

The danger potential of the terrorists cannot be gauged by the sparse arrest of terrorists here and there. Those who plot terrorism evolving plans paving way for destruction and those who provide help to such terrorists to execute their evil designs must be severely dealt with.

Our PMK whole-heartedly support this law that needs to be implemented in a fair manner. On behalf of our founder leader Dr Ramadoss and on behalf of my party − Pattali Makkal Katchi − PMK I extend my support to this Bill.

*English Translation of the speech originally delivered in Tamil.

श्री रामजीवन सिंह (बलिया, बिहार) : सभापति महोदय, सवेरे से पोटो पर चर्चा चल रही है। पिछले शरदकालीन अधिवेशन में जब इस अध्यादेश पर चर्चा होने वाली थी तो दिल्ली में कांग्रेसी मुख्यमंत्रियों की एक बैठक हुई। शायद उसमें कांग्रेसी मुख्यमंत्रियों ने पोटो का समर्थन किया लेकिन जब बात टी.वी. पर आई तो मैंने सुना कि कांग्रेस अध्यक्षा सकते में है। मुख्यमंत्रियों की बैठक चल रही है, बीच का रास्ता निकाला जा रहा है। रात 9 बजे बैठक समाप्त हुई। कांग्रेस प्रवक्ता बैठक से बाहर आये और कहा कि हम पोटो का इसलिये विरोध कर रहे हैं क्योंकि हमसे पूछा नहीं गया â€¦ (व्यवधान)

सभापति महोदय ; इन्होने टी.वी. पर सुना।

श्री रामजीवन सिंह : सभापति महोदय, जब मैं कुछ कह रहा हूं तो मैं पूरी जवाबदेही के साथ कह रहा हूं। मैंने टी.वी. पर सुना और मुझे लगा जो आज भी कहता हूं कि कांग्रेस इतनी बड़ी पार्टी है, जिसका 100 वर्ा से ज्यादा का इतिहास है, जिसे एक लम्बे समय तक शासन में रहने का अनुभव है, वह यह कहे कि हमें पूछा नहीं, इसलिये विरोध कर रहे हैं। मैं कांग्रेस पार्टी से यही कहूंगा कि हमारी श्री अटल बिहारी वाजपेयी की सरकार आप लोगों का इतना ध्यान रखती है, आप लोगो से इतना डरती है कि आपके नेता के साथ एक महिला राज्य मंत्री द्वारा ज़रा सी छेड़छाड़ करने पर उनका विभाग बदल दिया गया। इसके बाद भी आप कहते हैं कि आपसे पूछा नहीं जाता हैâ€¦ (व्यवधान)

सभापति महोदय : आप विाय पर आइये। कृपया धैर्य रखिये।

श्री रामजीवन सिंह : सभापति महोदय, इस प्रस्ताव को पेश करते हुये माननीय गृह मंत्री जी ने पोटो के सारे पहलुओं पर चर्चा की। तत्पश्चात् हमारे विधि मत्री जी ने पोटो क्या है, इसकी चर्चा की कि क्यों इसकी आवश्यकता पड़ी, इसकी क्या अहमियत है, इसमें कहां-कहां ऐसे मुद्दे हैं जिन पर आपत्ति हो सकती है, सविस्तार बड़ी बारीकी से चर्चा की। मैं उन बातों को दोहराना नहीं चाहता क्योंकि समय बहुत कम है।

सभापति महोदय, एक आरोप यह लगाया गया, पक्ष-विपक्ष के कई वक्ताओं ने इस बात का उल्लेख किया और इस बात की संभावना व्यक्त की कि इसका दुरुपयोग किया जायेगा। आजादी के बाद से लेकर आज तक इस देश का एक भी मान्यताप्राप्त राजनैतिक दल नहीं जिसकी कभी अकेली या सांझा सरकार न बनी हो या उसे सरकार में आने का मौका न मिला हो या इस संबंध में केन्द्र या राज्य सरकारों पर यह आरोप न लगा हो कि इस कानून का उल्लंघन हुआ है या उल्लंघन हो रहा है। 1974 में जब श्री जय प्रकाश नारायण जी का आन्दोलन चल रहा था । मैंने विधानसभा से इस्तीफा दिया तथा आन्दोलन में काम कर रहा था।

एक बार 4 अगस्त, 1974 के दिन श्री जयप्रकाश नारायण जी हमारे यहां जाने वाले थे। मैं उसका आर्गेनाइजर था लेकिन पहली अगस्त को मुझे एक धारा 379 के अंतर्गत गिरफ्तार किया गया। उसकी एफ.आई.आर. की अगर मैं यहां चर्चा करूं कि वह क्या एफ.आई.आर. थी - एक लड़का एफ.आई.आर. कराता है कि मैं आज फलां कॉलिज में 11 बजे परीक्षा देने के लिए जा रहा था, दो लड़के आये और वे पकड़कर मुझे एक वकील के यहां ले गये, मेरी कापी और पेन्सिल छीन ली और 12 बजे मुझे छोड़ दिया। वह लड़का कह रहा था कि रामजीवन बाबू भी आने वाले हैं इसलिये धारा 379 के तहत मुझे गिरफ्तार किया गया, जेल में बंद किया गया और बाद में छोडा गया। क्या आप इस कानून को हटा देंगे।

सभापति महोदय, मैं एक बात कहना चाहता हूं कि कानून का उल्लंघन प्रशासन नहीं करता है। शासन किया करता है । शासन की जैसी भावना होती है, प्रशासन वैसा ही करता है। मैं आपको एक किस्सा बताता हूं। एक बार अकबर ने बैंगन की सब्जी खाई। उसे बड़ी अच्छी लगी। जब वह दरबार में गया तो उसने कहा बीरबल मैंने बैंगन की सब्जी खाई है, मुझे बड़ी अच्छी लगी। बीरबल ने कहा कि जहांपनाह बैंगन की सब्जी से बेहतरीन सब्जी और कोई नहीं होती है। एक सप्ताह बाद अकबर ने बैंगन की सब्जी फिर खाई, जिससे उसक पेट में थोड़ा दर्द हुआ, वायु-विकार हुआ। जब वह दरबार में गया तो उसने कहा कि बीरबल देखो मैंने बैंगन की सब्जी खाई है, उससे मेरे पेट में दर्द हो गया। बीरबल ने कहा, जहांपनाह पूछिये मत, बैंगन से बदतर दूसरी कोई सब्जी नहीं होती। अकबर ने कहा, बीरबल मेरी समझ में एक बात नहीं आई, एक सप्ताह पहले तुमने कहा था कि बैंगन की सब्जी से बेहतरीन कोई सब्जी नहीं होती है और आज कहते हो कि बैंगन की सब्जी बदतर होती है। बीरबल ने कहा, जहांपनाह मैं आपका नौकर हूं, बैंगन का नौकर नहीं हूं। आपकी जैसी भावना होती है, मेरी भाा वैसी ही बन जाती है। शासन की जैसी भावना होती है प्रशासन वैसा ही होता है। â€¦ (व्यवधान) सभापति महोदय, मैं अंतिम बात कहना चाहता हूंâ€¦ (व्यवधान)

सभापति महोदय : आपका समय समाप्त हो गया है। â€¦ (व्यवधान)

श्री रामजीवन सिंह : मैं अंतिम बात कहना चाहता हूं यहां कहा गया कि इस कानून का दुरुपयोग एक समुदाय विशे के खिलाफ होगा। मैं प्रतिपक्ष के लोगों को आश वस्त करना चाहता हूं कि आप याद रखो जो वोट वाली सरकार होती है, जिसे वोट का डर होगा, वह किसी के खिलाफ नहीं जा सकती है। इसी देश में अपने

राजनीतिक जीवन में मैंने ऐसी पार्टी को बनते देखा, जब वह पार्टी बनी तो उसने कहा कि तिलक, तराजू और तलवार, उसको मारो जूते चार। लेकिन जब चुनाव के मैदान में वही पार्टी आई तो उसने कहा कि हम सभी वर्ग की पार्टी है, इसलिए हम सभी को साथ में लेकर चलना चाहते हैं। इसलिए जो वोट वाली सरकार होगी, जो वोट से बनने वाली सरकार होगी, वह किसी समुदाय के खिलाफ काम नहीं कर सकती। यदि वह ऐसा करेगी तो जनता उसे कभी बर्दाश्त नहीं करेगी और हम लोग भी उसे कभी बर्दाश्त नहीं करेंगे। इन्हीं शब्दों के साथ मैं जनता दल (यू) की तरफ से इसका समर्थन करता हूं।

श्री देवव्रत विश्वास (पश्चिम बंगाल) : माननीय सभापति महोदय, यहां जिस विधेयक को पारित करने के लिए संयुक्त अधिवेशन बुलाया गया है, मैं उसका विरोध करने के लिए खड़ा हुआ हूं। यह संयुक्त अधिवेशन इतिहास में एक काले दिन के रूप में चिह्नित होगा। मेरे मन में यह प्रश्न उठता है कि सरकार इस पोटो विधेयक को पारित करने के लिए इतनी जिद क्यों कर रही है।

19.00 hrs.

जिस दिन से पोटो ऑर्डिनेन्स के रूप में लागू हुआ, इसका उपयोग करके कश्मीर या दिल्ली में कहीं भी आप आतंकवाद से निपट नहीं सके। आज इस सदन में जो लोग बैठे हैं, चाहे उस पक्ष में हों या इस पक्ष में हों, सभी आतंकवाद से जूझने के लिए, आतंकवाद को खत्म करने के लिए सहमत हैं। आतंकवाद जो सीमा पार से हमारे देश के ऊपर पिछले लंबे समय से चल रहा है, इसे सभी भुगत रहे हैं और सभी मिलकर देश की सुरक्षा और एकता के लिए लड़ना चाहते हैं। लेकिन इसके बा वजूद आज सरकार इस पर ज़िद कर रही है।

मेरे मन में एक प्रश्न उठता है कि जब मानवाधिकार आयोग इसका विरोध कर रहा है, जब जाने माने पत्रकार लोग पिछले चार-पांच महीने से अपने एडिटोरियल्स के द्वारा इसका विरोध कर रहे हैं, आपके पक्ष में नहीं हैं, जब आप जानते हैं कि पोटो को सामने रखककर पिछले चुनावों में आप विजयी नहीं बने, लोगों ने आपका साथ नहीं दिया, उसके बावजूद भी आप पोटो लाना चाहते हैं। इसका जवाब भी मेरे मन में आता है, भले ही जो लोग यहां बैठे हैं उससे सहमत न हों मगर मेरे मन में इस प्र श्न का उत्तर है और इतिहास बताएगा कि जवाब क्या होगा। लेकिन मेरे मन में जो निश्चित जवाब आया, वह यह कि हम इस देश में वही करना चाहते हैं जो यू.एस.ए. चाहता है। इसका ज़िक्र इस पक्ष और उस पक्ष की तरफ से भी दिया गया कि यू.एस.ए. जिस प्रकार चाहता है हमारे देश को उसी के अनुसार चलना पड़ेगा। उसी रास्ते पर हमारे आर्थिक, राजनीतिक और सामाजिक कानून बनेंगे। 11 सितंबर को जब अमेरिका पर आतंकवादियों द्वारा हमला हुआ तो सारी दुनिया में आतंकवाद के विरोध में लड़ाई लड़ने के लिए उन्होंने ऐलान कर दिया और हम लोग उसी के अनुसार यहां आतंकवाद के बारे में कानून लागू करना चाहते हैं।

दूसरी बात मेरे मन में आती है और इस बात से कोई इंकार नहीं कर सकता, चाहे एन.डी.ए कहिये या जो भी कहिये, मगर यह बी.जे.पी. की सरकार है और इस बी.जे.पी. की सरकार का लोकतंत्र पर विश्वास नहीं है।

महोदय, तीसरी बात मैं यह कहना चाहता हूं कि आज इस पोटो के कारण लोग चाहते हैं कि देश के अल्पसंख्यकों के अंदर भय पैदा करने का वातावरण तैयार किया जाए, एक फीयर सायकोसिस तैयार किया जाए और साम्प्रदायिक भावना पैदा करें ताकि चुनाव में दुबारा जीत कर सत्ता हासिल कर सकें। यह आपकी मंशा है।

महोदय, जो कानून सरकार के हाथ में हैं, वे पर्याप्त हैं, लेकिन व्यवस्था ठीक नहीं है। आज प्रशासनिक व्यवस्था चरमरा गई है। पुलिस व्यवस्था भी ठीक नहीं है। जो कानून आपके पास वर्तमान में हैं उन्हें आप लागू नहीं करना चाहते हैं। उनको लागू करने की आपकी व्यवस्था गलत है। कानूनों के ठीक प्रकार से लागू नहीं होने के कारण आज दलितों पर ज्यादतियां हो रही हैं। उनकी रक्षा के लिए जो कानून बने हैं वे लागू नहीं किए जा रहे हैं। उसी पुलिस के हाथ में आप दुबारा ऐसा कानून देना चाहते हैं।

महोदय, आज इनको तकलीफ हो रही है क्योंकि आज प्रधान विपक्षी दल इनके इस पोटो कानून के विरुद्ध खड़ा हुआ है। यह आपके हैरान होने की बात नहीं है बल्कि आनंदित होने की बात है क्योंकि आप अतीत से शिक्षा नहीं लेना चाहते हैं। इसीलिए आप पोटो जैसा कानून ला रहे हैं। विरोधी पक्ष पोटो का विरोध कर रहा है, लेकिन आप उससे शिक्षा नहीं लेना चाहते हैं।

महोदय, चूंकि सत्ता दल का इस संयुक्त बैठक मे बहुमत है, इसलिए ये लोग इसे आज सदन में पास करा लेंगे, लेकिन मैदान में आपको जनता का समर्थन इस हेतु नहीं मिलेगा। इसलिए मैं इसका विरोध करता हूं।

SHRI E. AHAMED (MANJERI): Mr. Chairman, Sir, I oppose the proposed POTO Bill vehemently. My party, the Indian Union Muslim League, has already made it abundantly clear that we will oppose it tooth and nail. Due to paucity of time, I would like to confine my argument only to one or two points.

At the outset, I would like to ask the present Government, what is the mandate they have to bring this piece of legislation here? They have just faced the people in elections in four States and in all the four elections, BJP has been miserably defeated. When they have lost their mandate, how do they dare to come over to this House and create a manipulated mandate while making use of the provisions of the Constitution? If this House passes this piece of legislation, I have absolutely no doubt to say that this will be the darkest day in the democratic history of this country. Unfortunately, the provision of the Constitution has been misused. Once they have been defeated by the people in the last elections held in four States where they have been campaigning in the name of this POTO, in the name of national security, and when the people have rejected the BJP Government, that Government has come here with the same piece of legislation. This, I would say, is a fraud committed on the people of this country by the BJP Government.

Secondly, one thing we are sure that this law is most likely to be misused. My friend Shri Sangma said, all laws are being misused. But I would like to take this opportunity to remind Shri Sangma that when a Draconian law is misused, it will affect, it will wreck thousands of families in this country. They must bear in mind that this is not an ordinary law.

This is a draconian law. This has been aimed against the political enemies. This has been aimed against the

religious minorities. I am not saying about the religious minorities simply as a matter of argument. For the last several months, since the BJP came to power, you have been campaigning against them. All the Parties that are allied with the BJP, the ultra-communal parties, the ultra-communal fundamentalist parties like the VHP, Bajrang Dal, RSS are campaigning against a particular community. A hate campaign is going on unnecessarily and without any justification they have been saying that all the Muslim organisations are communal organisations or anti-national organisations.

Mr. Chairman, Sir, I would say that you have taken the POTO as a barometer to measure the nationalism of an individual. One cannot accept it. I have my nationalism. I have my commitment to this country. Who is this Government to measure it and using this POTO as a barometer to say − "You are anti-national since you oppose this POTO and you are national only if you will support this POTO?" Who are these people to take monopoly of the nationalism and our commitment to the country? We cannot accept this.

MR. CHAIRMAN : Shri Ahamed, please wind up.

SHRI E. AHAMED : Sir, this is an important occasion to express my opinion. I may be given some time. I have to speak what we are feeling.

MR. CHAIRMAN : There is constraint of time.

SHRI E. AHAMED : Sir, I will take just one minute. What happened in Gujarat? It has been closely discussed. In Godhra in Gujarat, you have charged the accused people under POTO. But when thousands and thousands of people have been put to suffering in other parts of Gujarat, what did you do? When more than 800 people have been arrested there, you have not given any justification nor shown courtesy to bring those criminals under POTO? What happened in Gujarat?

MR. CHAIRMAN : Shri Ahamed, please wind up now. I cannot allow it.

SHRI E. AHAMED : Sir, please allow me for one minute. I will speak about Gujarat. If a man goes mad, you can chain him. But from what you have heard from the Chief Minister, if the chain goes mad, what can you do? In Gujarat the chains have gone mad and not the people. If the people will go mad, you can chain them. If the chain itself goes mad, you cannot do anything. That is why I say this.

MR. CHAIRMAN : Shri Ahamed, I am bound by the tyranny of the clock. Please wind up.

SHRI E. AHAMED : Sir, just one minute. I will abide by your direction. I would only say that I have one demand. I would like to state that in the interest of the country, in the interest of the nationalism and in the interest of the future of this country, the communal harmony and also the religious harmony, I would request everyone of you to please show it by rejecting this POTO *in toto*.

SHRI R.S. GAVAI (MAHARASHTRA): Mr. Chairman, Sir, at the outset I strongly oppose this POTO Bill which is contrary to the spirit of the human dignity, liberty and equality. I will be very brief to indicate that I, on behalf of my Party, am strongly opposing this Bill.

Sir, much has been said by both the sides. I apprehend that the existing Bill is being misused. On the contrary, assurances from the Government side have been given that this Bill is not being misused. I have been hearing the speeches patiently. One can agree with me that there is a strong case being pleaded today that there is every possibility that this existing Bill will be misused.

It will be misused not only in future, but Shri Kapil Sibal, the hon. Member of Rajya Sabha, has given illustrations − the Bill is still at Ordinance stage and not an Act yet − and instances of how it is being misused. I may not narrate them again. At the same time, from the Government side, the Government of Maharashtra's legislations are being quoted and that too more than a dozen times in their speeches as if the legislation passed by the Government of Maharashtra is a standard one. I do not think so. Though I am a supporter of that Government, I opposed such a legislation earlier and now also. At the same time, it is stated that the legislations in Maharashtra are the standard ones and the versions given by the Human Rights Commission and Law Commission are being ignored as if the legislation of the Maharashtra is more supreme than the version given by the Human Rights Commission and Law Commission.

Sir, there is no doubt that we are there to deal with terrorism. It should be curbed. But at the same time, national security is very paramount. I agree. Sir, national security and the security of the individual dignity, equality and liberty is a correlated terminology. If the individual of this country is not free, is not having the liberty, equality and dignity, how will we have the national security? I would say that there should be a good message which should go

to the world. What do you mean by a good message? It is also a correlated term. Sir, it is said here:

> "This Act is being condemned internationally on the pretext that this highlights the spirit of the international treaty and its obligation. "

Sir, liberty was the goal during our Struggle of Independence. We got it and we set it. We are not there to keep what we have achieved during the Freedom Struggle; we are there to give it up.

Sir, the Constitution of India has assured us, every individual, dignity, liberty, equality, secularism and a society free from exploitation. So, it is not that the Constitution has given us only the Universal Declaration for the Human Rights. How can we give it up? My friends, Shri Chitaranjanâ€¦.

MR. CHAIRMAN : Please wind up.

SHRI R.S. GAVAI : Sir, I wind up. We are not there at the cost of human liberty and dignity. I again oppose this Bill.

DR. JAYANT RONGPI (AUTONOMOUS DISTRICT-ASSAM): Mr. Chairman, Sir, I stand here to oppose this POTO Bill on behalf of myself and on behalf of my party, the CPI (ML). Sir, I was taken aback by the intensity of the misplaced political will of the Government to pass, to get through this piece of legislation.

19.20 hrs (Shrimati Margaret Alva *in the Chair*)

On the earlier occasions, in the name of lack of political consciousness, in the name of lack of unity among the political parties, many important legislations, like the Women's Reservation Bill, have been deferred again and again.

However, this time, even after it has been defeated in the Rajya Sabha, the Government has called this Joint Sitting to pass this POTO. I would expect rather I would like to question the Government whether similar political will, will be expressed by the Government to call a Joint Sitting to pass the Women's Reservation Bill.

Mr. Chairman, Sir, our senior Member, Shri P.A. Sangma, said that he is from the North-East, which is the hotbed of insurgency or militancy problem. I also belong to that area, but I differ with his point of view. I would like to say very humbly that the other draconian laws, like TADA, MISA, have created more terrorists in the North-East than solving this problem. In the beginning, as per the Government record, there were only 2,000 ULFA cadres, but after these draconian laws were introduced, 5,000 ULFA cadres have surrendered and, still a couple of thousands are left. Therefore, this has proved that to fight terrorism, the law is not the solution.

We can take lessons from our own country. Terrorism in Punjab was contained not because of POTO, not because of TADA, not because of any draconian law, but because the people of Punjab stood unitedly to fight terrorism. It is the people of Punjab who defeatd terrorism. If the Government is sincere in its will to fight terrorism, I think, there is consensus in this country. Everybody wants to fight terrorism, but there are differences in the political parties, in the Indian polity, and in the Indian society. The Law Minister was angry when somebody said that there are divisions. Why should he be angry? He should look at his own Alliance. Even there is a division within the NDA on this POTO.

If we want to fight terrorism, then there should be unity, and there is no doubt about it. However, if we want to fight terrorism, this type of draconian law will not serve the purpose. For that, the people of India should be united, and there should be a common will to fight terrorism. That cannot be achieved, if the communal agenda, the religious agenda, is followed to divide the people of India in the name of religion, caste, and creed. If this continues, then people will never be united, and the purpose of fighting against terrorism will be defeated.

Therefore, I call upon the Government, I request the Government, to muster enough political courage to abandon the agenda of *Hindutva* or the agenda on communal and political lines, and to rather unite the people against terrorism and to chalk out a new course of action.

With these words, I firmly and with all sincerity and all the strength at my command, I protest; and I express, register, my strong opposition to POTO. Inside this Parliament, I assure you, with my limited strength, I will see that POTO is fought in every street, every nook and corner of the North-East region.

श्री संजय निरुपम (महाराट्र) : आदरणीय सभापति महोदय, सारी चर्चा के बाद आज मुझे इस ऐतिहासिक सभा का एक मिनट का वक्त मिला है, मैं इसके लिए आपका बहुत आभार व्यक्त करता हूं, विशेाकर मैं सदन का आभार व्यक्त करता हूं।

आज मैं इस सदन में एकदम ताजा खबर बताने के लिए उत्सुक था, इसलिए मैं काफी देर से अनुरोध कर रहा था। मुझे यह बताना है कि महाराट्र सरकार ने कुछ माह पहले पोटो के तहत एक आतंकवादी को या तथाकथित आतंकवादी को गिरफ्तार किया था। आज दोपहर दो बजे उसे मुम्बई की एक सैशन कोर्ट में पेश किया गया। महाराट्र सरकार की तरफ से सरकारी वकील श्री उज्जवल निगम ने ऐसी अपील की, ऐसा एफीडेविट दिया, ऐसा हलफनामा दिया कि मौ. अफरोज पर से पोटो हटा दिया जाये।

मैं इस सदन के माध्यम से विपक्ष की नेता श्रीमती सोनिया गांधी से पूछना चाहता हूंâ€¦ (व्यवधान) मैं सभापति महोदया के माध्यम से पूछना चाहता हूंâ€¦ (व्यवधान) प्रश्न तो पूछना पड़ेगाâ€¦ (व्यवधान)

सभापति महोदय : आप लोग बैठ जाएं।

â€¦ (व्यवधान)

श्री संजय निरुपम : सभापति महोदया, मैं आपके माध्यम से देश के सबसे बड़े विरोधी दल से पूछना चाहता हूं कि जिस मोहम्मद अफरोज ने पुलिस के सामने आत्मसमर्पण किया और स्वीकार किया कि उनका इरादा इंग्लैंड, भारत और आस्ट्रेलिया में आतंकवादी कार्रवाई करना था। उस पर ये लोग पोटो क्यों हटाना चाहते हैंâ€¦ (व्यवधान) मैं यही पूछना चाहता हूं कि पोटो का विरोध अफरोज जैसे आतंकवादियों को बचाने के लिए क्यों किया जा रहा हैâ€¦ (व्यवधान) मुझे अपनी बात खत्म करनी है, मुझे सभापति महोदया ने समय दिया है इसलिए बीच में रोकटोक नहीं होनी चाहिए।â€¦ (व्यवधान) मुझे वक्त दिया है चेयर ने अपनी बात कहने के लिए इसलिए मुझे पूरा अधिकार है कि मैं अपनी बात यहां रखूं।â€¦ (व्यवधान)

SHRIMATI AMBIKA SONI (DELHI): Madam, Chairperson, he should take his words back...(*Interruptions*)

SHRIMATI RENUKA CHOWDHURY (KHAMMAM): Madam, it should be deleted from the records...(*Interruptions*)

श्री संजय निरुपम : यह कौन सी संसदीय परम्परा है, यह कौन सा गणतंत्रीय परम्परा है। मुझे सभापति महोदया ने समय दिया है, मैं अपनी बात कहना चाहता हूं। ये लोग मुझे अपनी बात भी नहीं कहने देना चाहतेâ€¦ (व्यवधान)

MR. CHAIRMAN: Please take your seats. You cannot come to the Well of the House.

...(*Interruptions*)

19.27 hrs

(At this stage, Shri Raju Bhai Parmar and some other hon. Members came and stood on the floor near the Table.)

MR. CHAIRMAN: Please go back to your seats.

...(*Interruptions*)

19.28 hrs

(At this stage, Shri Raju Bhai Parmar and some other hon. Members went back to their seats.)

MR. CHAIRMAN: Please sit down now.

...(*Interruptions*)

SHRI SHIVRAJ V. PATIL : Madam, I am on a point of orderâ€¦ (*Interruptions*)

श्री संजय निरुपम : उनका व्यवस्था का प्रश्न है, वह आप सुन लें।â€¦(व्यवधान)

SHRI SHIVRAJ V. PATIL : Madam, I am referring to rule 356. I would read that rule. It says:

> "The Speaker, after having called the attention of the House to the conduct of a Member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue in his speech."

Madam, I am saying as to how he can speak irrelevant thingsâ€¦ (*Interruptions*) How does, what has happened in Mumbai, become relevant here?...(*Interruptions*) I would like to know as to how this has become relevant to this debate...(*Interruptions*) The rule says that irrelevant things should not be raised...(*Interruptions*) Simply because something has happened in Mumbai, does it become relevant? ...(*Interruptions*) What is being spoken should have some relevance...(*Interruptions*) It is an exhaustive point...(*Interruptions*) If he is allowed to raise such irrelevant issues here, then other Members who are hoping to raise relevant points would not get their chance to do so.

My submission is that under the Rules, he should be asked to withdraw.â€¦(*Interruptions*)

SHRI SANJAY NIRUPAM : I will have to make my submission. ...(*Interruptions*) मुझे अपनी बात पूरी करने दीजिए।â€¦(व्यवधान)

MR. CHAIRMAN : Let him finish his submission and go back. I cannot ask him to leave.

...(*Interruptions*)

SHRI SANJAY NIRUPAM : How can I be asked to go away? â€¦ (*Interruptions*) मुझे अपनी बात पूरी करने दीजिए।â€¦(व्यवधान)

सभापति महोदय : आपको बीजेपी ने अपने टाइम में से दो मिनट दिये थे। दो मिनट से ज्यादा हो गए हैं। अब आप अपनी बात समाप्त करिए।

â€¦ (व्यवधान)

श्री संजय निरूपम : मुझे यह बताया गया कि मैं जो विाय रख रहा हूं, वह रेलेवेंट नहीं है।â€¦ (व्यवधान) मैं यह बताना चाहता हूं कि "पोटो" जैसे महत्वपूर्ण विाय पर जिस पर यहा चर्चा हो रही है,â€¦ (व्यवधान) मुझे अपनी बात पहले समाप्त करने दीजिए।â€¦ (व्यवधान)

MR. CHAIRMAN: Can I say something, please. Can I not say anything?

...(*Interruptions*)

MR. CHAIRMAN: I am sorry, this is not the way. If there is anything objectionable, I will expunge it from the record. It will be looked into and expunged. What else can I say?

...(*Interruptions*)

MR. CHAIRMAN: Shri Nirupam, please conclude.

SHRI SANJAY NIRUPAM : I will conclude, Madam but I should be allowed to make my submission. यह कोई तरीका नहीं है।â€¦ (व्यवधान)

19.34 hrs (Mr. Deputy-Speaker *in the Chair*)

MR. DEPUTY-SPEAKER: I will hear you. Please resume your seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I am on my legs. Will you please go to your seats?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Whatever is objectionable, unparliamentary, and derogatory, I will expunge it. Please go to your seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Let me understand what it is. If you behave like this, how can I understand things. Please resume your seats.

...(*Interruptions*)

श्री संजय निरूपम : अंततः मुझे इतना कहना है कि आप अपनी आलोचना बर्दाश्त नहीं कर सकते हैं । आप पोटो का विरोध इस लिए कर रहे हैं, क्योंकि आतंक वादियों को बचा सकें। पोटो का विरोध इसलिए कर रहे हैं कि मोहम्मद अफरोज़ जैसे आतंकवादी को बचा सकें। â€¦ (व्यवधान)

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, I will hear you. Please resume your seats first.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: If there is anything objectionable or unparliamentary or derogatory, I will expunge it from the records.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I will re-look into the records. Please resume your seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, please resume your seats now.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: We have already taken more than 7 hours.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: There are still a few more speakers. So, we will have to sit for one to two hours more.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please cooperate with me. We have to pass the Bill.

...(*Interruptions*)

SHRI CHANDRA SHEKHAR : Mr. Deputy-Speaker, Sir, I have to make a request to you...(*Interruptions*)

MR. DEPUTY-SPEAKER: There is a lot of noise in the House. Order, please. I am asking the hon. Members, who are standing, to resume their seats.

...(*Interruptions*)

SHRI CHANDRA SHEKHAR : Mr. Deputy-Speaker, Sir, we were asked to be present here at 5 p.m. for voting. It is already 7.40 pm. It is high time that we should ask the Home Minister to reply to the debate, and then have voting...(*Interruptions*)

MR. DEPUTY-SPEAKER: I will get the sense of the House, and then we will do it accordingly.

श्री मुलायम सिंह यादव : उपाध्यक्ष महोदय, आपकी अध्यक्षता में सुबह बैठक हुई थी। स्पट तौर पर यह निर्णय लिया गया था कि पांच बजे पूरी की पूरी बहस समाप्त हो जाएगी और साढ़े चार बजे गृह मंत्री जी अपनी बात कहेंगे। लेकिन इतना समय हो गया है, हमलोगों को अपना कार्यक्रम उसी आधार पर बनाना है। अगर आप कहें, तो सदन की कार्यवाही कल हो जाए या इसको बन्द कर दिया जाए। आज नहीं करना है, तो आज के लिए तय नहीं करना चाहिए था। इसको बन्द कीजिए।

MR. DEPUTY-SPEAKER:चन्द्रशेखर जी ने भी यही सुझाव दिया है। Is it the sense of the House that now we have the reply by the hon. Home Minister and then voting?

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: All right. Then, I will call the hon. Home Minister to reply.

...(*Interruptions*)

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT, MINISTER OF SCIENCE AND TECHNOLOGY AND MINISTER OF OCEAN DEVELOPMENT (DR. MURLI MANOHAR JOSHI): Mr. Deputy-Speaker, Sir, the hon. Prime Minister is also expected to intervene...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, the hon. Prime Minister wanted to intervene, and he is expected to come any moment.

DR. MURLI MANOHAR JOSHI: In the meanwhile, Sir, you may call another speaker to participate.

MR. DEPUTY-SPEAKER: In the meanwhile, I cannot do that. There are seven to eight more speakers. If I allow one or two, again there will be a problem.

â€¦..(*Interruptions*)

MR. DEPUTY-SPEAKER: Or, we will adjourn the House and continue tomorrow. Otherwise, it will be difficult.

...(*Interruptions*)

SHRI A.C. JOS (TRICHUR): Sir, let the Home Minister start his reply. When the Prime Minister comes, he may also intervene...(*Interruptions*)

MR. DEPUTY-SPEAKER: Now, let the hon. Home Minister may kindly reply.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: There are 7 or 8 more hon. Members to speak. I cannot allow anybody now. Please forgive me.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please forgive me. Shri Athawale, please resume your seat.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: It is the sense of the House that the hon. Home Minister should reply and the debate should end here. I am bound by the sense of the House.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Home Minister may kindly reply now.

...(*Interruptions*)

THE MINISTER OF HOME AEEAIRS(SHRI L.K. ADVANI): Sir, I will start. But the Prime Minister wanted to intervene. If the hon. Prime Minister comes in-between, then, I will sit down just for him to intervene. You may please permit it. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: That would be rather difficult. If you are replaying and in-between he wants to intervene, that would be difficult. That is rather difficult.

...(*Interruptions*)

SHRI L.K. ADVANI: He wants to intervene. He is coming for that. It was communicated to him that there are many more hon. Members to speak. ...(*Interruptions*) Sir, I will do as you direct. ...(*Interruptions*) If you direct me to reply now, I will do it. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: The hon. Home Minister is replying. Please resume your seats.

...(*Interruptions*)

श्री लाल कृण आडवाणी : मान्यवर उपाध्यक्ष महोदय, आज प्रातःकाल श्री मुलायम सिंह जी को मैंने वचन दिया था कि मैं अंग्रेजी में बोल रहा हूं लेकिन जवाब हिंदी में दूंगा। मुझे खेद है कि मेरे भााा के प्रयोग के ऊपर इतनी टीका-टिप्पणी हुई और यहां तक कहा गया कि जो स्वभााा का सम्मान नहीं करेगा वह स्वदेश के लिए क्या करेगा। मेरी यह कमजोरी है मान्यवर कि मेरी मातृभााा हिंदी नहीं है। मेरी मातृभााा सिंधी है।

श्री मुलायम सिंह यादव : आप सिंधी में बोलिये।

श्री लाल कृण आडवाणी : मेरी शिक्षण की भााा अंग्रेजी रही है लेकिन मैंने प्रयत्नपूर्वक हिंदी सीखी है।

...(*Interruptions*)

SHRI L.K. ADVANI: Sir, the hon. Prime Minister has come. Will you permit him to intervene now? ...(*Interruptions*)

उपाध्यक्ष महोदय : माननीय प्रधान मंत्री जी ने मुझसे अनुरोध किया था थोड़ा सा इंटरवेंशन करने के लिए। अगर हाउस अलाऊ करे तो प्रधान मंत्री जी को मैंने बुलाया है, उसके बाद होम-मिनिस्टर को बुलाएंगे।

प्रधान मंत्री (श्री अटल बिहारी वाजपेयी) : उपाध्यक्ष महोदय, इस चर्चा में भाग लेने का मेरा इरादा नहीं था। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: We are already late. Please give him a patient hearing.

...(*Interruptions*)

श्री अटल बिहारी वाजपेयीः लेकिन जब मैंने सुना और पढ़ा कि मेरे बारे में विपक्ष की नेत्री श्रीमती सोनिया गांधी ने विशेा उल्लेख किया है तो मुझे अपना स्पटीकरण देना आवश्यक हो गया। शोस-शराबे में उनके शब्द सभी सदस्यों ने स्पटतः सुने या नहीं, मैं नहीं कह सकता। मैं समझता था कि चलते-चलते मेरा उल्लेख हो रहा है लेकिन जब बाद में मैंने पूरा भााण पढ़ा तो मुझे लगा कि यह चलते-चलते नहीं है, यह छपते-छपते भी नहीं है, यह पूरी तरह से सोच-विचार करके भााण दिया गया है। मैं उनके शब्दों को उद्धृत कर रहा हूं :

> "The Prime Minister, as the head of this Government, has to decide whether his primary duty is to protect the welfare of the people of India or to succumb to the internal pressure of his Party and its sister organisations. "

इसका क्या मतलब है? श्रीमती सोनिया गांधी क्या कहना चाहती हैं? उन्होंने प्रधान मंत्री के नाते मेरे प्राथमिक कर्तव्य की याद दिलायी है। जैसे और कर्तव्य महत्वपूर्ण नहीं हैं। परिवार के दबाव में आना या नहीं आना, अपना कर्तव्य पूरा करना या नहीं करना और कर्तव्य की सबसे बड़ी कसौटी उनकी यही है कि मैं कहीं अन्य संबंधित संगठनों के दबाव में तो नहीं आ रहा हूं। जो हमारे परिवार का मामला है, उसमें सोनिया जी दखल न दें। मैं प्रधान मंत्री कांग्रेस की कृपा से नहीं हूं, कांग्रेस के विरोध के बावजूद हूं और जब तक लोग मुझे चाहते हैं, मैं रहूंगा लेकिन अब मेरे बारे में इतनी रुचि लेने की आवश्यकता क्या है? फिर आगे सवाल देखिए।

> "Will he be submissive and weak in his leadership or will he uphold the prestige of the high office he holds? "

इसके पीछे क्या भावनाएं हैं? यह कहने का मतलब क्या है? यह मेरे ऊपर आरोप है कि मैं दबाव में काम कर रहा हूं, गलत है।

उपाध्यक्ष महोदय, मैं किसी के दबाव में काम नहीं करता। पार्लियामैंट का जीवन इस बात का साक्षी है। 1961 में संयुक्त बैठक में जो मैंने भााण दिया था, मैं उसे अभी पढ़ रहा था। वह दहेज के सवाल पर संयुक्त बैठक हुई थी। मैंने उस समय दहेज का विरोध किया था। मुझे बाद में चर्चा में सुनना पढ़ा कि आप पुरातनवादी हैं, परम्परा वादी हैं, यहां दहेज का विरोध क्यों कर रहे हैं?

श्री मुलायम सिंह यादव : न आपने दहेज लिया है और न दहेज दिया है।

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, यह 1961 की बात है। मैं 1957 में पहली बार लोक सभा का सदस्य प्रतिपक्ष की ओर से चुना गया। अगर मैं दबाव में काम करता तो फिर पता नहीं क्या हो जाता? दबाव में काम करने का मतलब है किसी के दबाव में ?â€¦ (व्यवधान) आपको बड़ी चिन्ता हो रही है कि मैं किसी के दबाव में न रहूं। अभी कहा जा रहा है कि हम परिवार के दबाव में हैं। हमारे वामपंथी सदस्य कहते हैं कि हम अमरीका या विदेशी शक्तियों के दबाव में हैं। अगर हम दबाव में है और दबाव में काम करते हैं तो फिर मेरा दल और मेरे मित्र दल मेरा समर्थन क्यों कर रहे हैं? इसका औचित्य क्या है? वे जानते है कि मैं दबाव में काम नहीं करता। संसार का विरोध मोल लेकर हमने अणु परीक्षण किया, हम किसी दबाव में नहीं आये। परीक्षण के मामले में हमारे एक पूर्व प्रधानमंत्री ने किस तरह का व्य वहार किया था, मैं सारा चिट्ठा सदन के सामने रख सकता हूं। एक बार परीक्षण करने के लिये गड्ढा खोद दिया गया था, सुरंग तैयार हो गई थी, परीक्षण की तिथि तय हो गई थी, मगर ऐन वक्त पर परीक्षण को रद्द कर दिया गया क्योंकि विदेशी दबाव था। मैं दबाव में काम नहीं करता â€¦ (व्यवधान) आप चुप रहिये। एक सीमा होती है सुनने की।

उपाध्यक्ष महोदय, जब कारगिल का युद्ध चल रहा था तो राट्रपति क्लिंटन ने न्यूयार्क और वाशिंगटन में मुझे बुलाया। उन्होंने कहा कि पाकिस्तान के प्रधानमंत्री आ गए हैं, आप भी आ जाइये। दोनों मिलकर बैठिये, हम सवालों को तय करेंगे। हमने कहा कि जब तक पाकिस्तान के कब्जे में भारत की हमारी एक इंच भूमि भी है, तब तक मैं बात नहीं करूंगा। मैं अमरीका नहीं गया, अमरीका के दबाव में नहीं आया â€¦ (व्यवधान) इन लोगों को क्यों बेचैनी हो रही है? मुझे टोकने का क्या मतलब है?

आपको सच बात सुनना कड़वा लगता है। इसके आगे देखिये-" His moment of reckoning has come.

यह नेता विरोधी दल का भााण है। ये प्रधानमंत्री के खिलाफ बोली गई भाायें हैं, इसका भाव क्या है? मेरी परीक्षा का दिन आ गया है, इसका क्या मतलब है? मैं रोज़-रोज़ परीक्षा दे रहा हूं। जब सोनिया जी राजनीति से कोसों दूर थीं, तब से मैं इस सदन में, इस संसद में व्यवहार कर रहा हूं। आज मुझे कटघरे में खड़ा किया जा रहा है.। उन्हें क्या अधिकार है?...(*Interruptions*)

MR. DEPUTY-SPEAKER: Order, please.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I appeal to all of you to please resume your seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Let me regulate the House.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: All the hon. Members may please resume their seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I appeal to all of you to resume your seats. If there is anything, we can certainly sort it out.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Will you please resume your seats?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: May I request all of you to resume your seats?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: All the hon. Members may please resume their seats. If there is anything objectionable or anything that has to be sorted out, we can hear that and settle. Now, please go to your seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I appeal to you to resume your seats. If there is anything that is to be settled, we can settle it if you cooperate with the Chair. Please resume your seats now.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Will you please resume your seats?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I appeal to all the Whips and the Leaders to please cooperate with the Chair. If there is anything objectionable we can talk and settle it. Will you please resume your seats? I appeal to all the Whips and all the Leaders. Please resume your seats now.

...(*Interruptions*)

20.00 hrs.

MR. DEPUTY-SPEAKER: Mr. Prime Minister, you may continue now.

...(*Interruptions*)

श्री अर्जुन सिंह (मध्य प्रदेश) : उपाध्यक्ष जी, मैं कुछ कहना चाहता हूँ। â€¦ (व्यवधान)

श्री अटल बिहारी वाजपेयी : मैं कुछ सुन नहीं पा रहा हूँ। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Shri Arjun Singh, you can come here and speak.

...(*Interruptions*)

20.01 hrs. (इस समय श्री प्रभुनाथ सिंह, श्री एस.एस.आहलूवालिया, श्री चंद्रकांत खैरे

तथा कुछ अन्य माननीय सदस्य आए और सभा पटल के निकट फर्श खड़े हो गए।)

MR. DEPUTY-SPEAKER: It is only point of order. Please help me. I will rule it out.

...(*Interruptions*)

20.02 hrs. (इस समय श्री संतोा मोहन देव, श्री रघुवंश प्रसाद सिंह तथा

कुछ अन्य माननीय सदस्य आए और सभा पटल के निकट फर्श पर खड़े हो गए।)

MR. DEPUTY-SPEAKER: Dr. Raghuvansh Prasad Singh, please go back to your seat. What is this going on with all the leaders?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: What is your point of order? Hon. Prime Minister will yield only to a point of order.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, please hear me for a minute. Why are you not hearing me?

...(*Interruptions*)

20.04 hrs. (इस समय श्री प्रभुनाथ सिंह, श्री एस.एस.आहलूवालिया,

श्री चंद्रकांत खैरे तथा कुछ अन्य माननीय सदस्य आए और अपने-अपने स्थानों पर वापस चले गए।)

MR. DEPUTY-SPEAKER: Hon. Prime Minister is prepared to hear him. Please take your seats.

...(*Interruptions*)

20.05 hrs. (इस समय श्री संतोा मोहन देव, श्री रघुवंश प्रसाद सिंह तथा

कुछ अन्य माननीय सदस्य आए औरअपने-अपने स्थानों पर वापस चले गए।)

...(*Interruptions*)

MR. DEPUTY-SPEAKER: You are not even hearing. Then, what is the fun of my talking?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Prime Minister is not yielding.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, will you please resume your seats?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Prime Minister has agreed that Shri Arjun Singh will speak for two minutes. Hon. Members, will you please resume your seats?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, please resume your seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Prime Minister has agreed to yield to Shri Arjun Singh. So, Shri Arjun Singh will speak for two minutes. He has yielded to him. So, please resume your seats. Shri Bagrodia, please resume your seat.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I would like to inform all Leaders, Whips and hon. Members that hon. Prime Minister has agreed to yield to him for two minutes. Please patiently hear him and then the Prime Minister will speak. Order please. Hon. Members, you please take your seats.

May I request Sardar Buta Singh to take his seat?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Pramod Mahajan, please tell your Members to take their seats.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Priya Ranjan Dasmunsi, please tell your Members to take their seats. The hon. Prime Minister has agreed to yield to Shri Arjun Singh for two minutes. Then, the hon. Prime Minister will continue with his speech. I would request you to maintain order in the House.

श्री अर्जुन सिंह : आदरणीय उपाध्यक्ष महोदय, मुझे यहां आकर बोलने में कोई प्रसन्नता नहीं हो रही है। मैं आज जो कह रहा हूं, वह बहुत दुखी मन से कह रहा हूं। यह वह स्थान है जहां भारत के संविधान की रचना हुई है। यह वह स्थान है जहां भारत के स्वतंत्रता संग्राम सेनानियों ने अपने सादियों के संघर्ा का अंतिम रूप संविधान के रूप में देश को दिया है। ऐसे स्थान पर मुझे खेद के साथ यह कहना पड़ रहा है कि जिस तरीके से â€¦ (व्यवधान)

युवक कार्यक्रम और खेल मंत्री (कुमारी उमा भारती) : उपाध्यक्ष महोदय, यह भााण दे रहे हैं। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Shri Sanjay Nirupam, what are you doing? I am trying to control the House. I seek the cooperation of all the leaders in maintaining order.

श्री अर्जुन सिंह : दो मिनट में और क्या करेंगे ? क्या खड़े होकर माला जपेंगे ? â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: What is this? The hon. Prime Minister will speak now. Already, we are late. We will take another one-and-a-half hours.

श्री अर्जुन सिंह : उपाध्यक्ष महोदय, कुछ चीजें व्यवस्था की होती हैं। कुछ चीजें पूरे सदन की मर्यादा की होती हैं। मैं समझता हूं कि उस मर्यादा का उल्लंघन हुआ है और इसीलिए मैं सदन से और प्रधान मंत्री जी से निवेदन करना चाहता हूं। प्रधान मंत्री जी ने मुझे बोलने का अवसर दिया, उन्होंने इस तरह से बहुत अच्छी परम्परा कायम की। मैं उन्हें धन्यवाद देता हूं लेकिन सदन में प्रतिपक्ष के नेता का स्थान भी ऐसा होता है जिसे नजरअंदाज नहीं किया जा सकता। मैं समझता हूं कि माननीय प्रधान मंत्री ने जिस लहज़े से उनके शब्दों को यहां लेकर अपना प्रतिरोध जाहिर करने की कोशिश की है, वह उन्हें शोभा नहीं देता है। यही मेरी मान्यता है। â€¦ (व्यवधान)

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, अगर मैंने अपने भााण में किसी असंसदीय शब्द का प्रयोग किया है तो आप उसे देख लें। उसको निकाल दें, मैं आपत्ति नहीं करूंगा। अब मेरे लहज़े पर एतराज किया जा रहा है। मैं लहज़ा तो इस उम्र में बदल नहीं सकता। â€¦ (व्यवधान) श्री जवाहर लाल नेहरू जी ने मेरा यह लहज़ा स्वीकार किया था और उसके बाद जो पीढ़ी आई, उससे भी मुझे कभी ऐसे शब्द नहीं सुनने पड़े, जैसे इस लिखित भााण में सुनने को मिले हैं। â€¦ (व्यवधान) अभी मैंने श्रीमती सोनिया गांधी का पूरा भााण पढ़ा नहीं है। मैं उसे उद्धृत कर रहा हूं : -

> "There is, I am afraid, neither moral integrity nor sincerity of purpose among those who are trying to force this law on the nation today. "

यह मोरल इंटीग्रिटी क्या है ?What is moral integrity? इसका क्या मतलब है ? अगर सत्ता पक्ष में â€¦ (व्यवधान) इन शब्दों के लिए श्रीमती सोनिया गांधी जी को खेद प्रकट करना चाहिए। अपने लम्बे संसदीय जीवन में मैंने न कभी अभद्र भाा का प्रयोग किया है और न कभी अभद्र आचरण किया है मगर जो हमें उपदेश दे रहे हैं। â€¦ (व्यवधान)

उपाध्यक्ष महोदय, पोटो के बारे में ही तो ये आरोप लगाए जा रहे हैं। नीयत पर शक किया जा रहा है। बोनाफाइडीज़ की बात हो रही है। आप अगर टाडा लाए तो ठीक है। आप अगर मीसा लाए तो ठीक है। तब हमने आपकी नीयत पर शक नहीं किया था लेकिन आज हमारी नीयत पर शक किया जा रहा है और इसीलिए मुझे पीड़ा होती है। अगर बहुमत नैतिकता से नहीं चल रहा तो फिर क्या हम अल्पमत से आशा करें कि वह नैतिकता की दुहाई दे। जिन शब्दों का यहां प्रयोग किया गया है, वैसे मैं एक सवाल को लेकर सोनिया जी की तारीफ करने वाला था, इसी भााण में उन्होंने कहा है कि हम आतंकवाद के खिलाफ आपके साथ खड़े रहेंगे, लड़ेंगे, लड़ते रहे हैं, आगे भी लड़ेगे। उसके बाद उन्होंने लड़ाई मेरे खिलाफ छेड़ दी। ये व्यक्तिगत आरोप हैं। ये नीति संबंधी आरोप नहीं हैं। ये सिद्धान्तों का खंडन-मंडन नहीं है। यह मेरे व्यक्तित्व पर लांछन है और मैं इसे बर्दाश्त नहीं कर सकता।â€¦ (व्यवधान)

मेरे सामने दो ही रास्ते हैं - या तो मैं जनता के कल्याण पर चलूं या दबाव में आऊं। अब यह कौन तय करेगा? आखिर मुझे जनता ने यहां पहुंचाया है और अगर मैं दबाव में काम कर रहा हूं तो मेरे साथी भी मुझे छोड़ देंगे, मेरा दल मुझे छोड़ देगा। विरोधी पक्ष की नेत्री को यह बताने की जरूरत नहीं है कि या तो मैं दबाव में काम करूं, नहीं तो प्रस्थान करूं। मैं अपने ढंग से देश की सेवा करने का प्रयास करता रहा हूं और आगे भी करूंगा। लेकिन अगर मुझे आपत्तिजनक बातें सुननी पड़ेंगी तो मुझे उनका उत्तर देना पड़ेगा। अध्यक्ष महोदय, अभी भी मैं आपसे निवेदन कर रहा हूं।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : मैं उपाध्यक्ष हूं।

श्री अटल बिहारी वाजपेयी : अभी भी मैं आपसे निवेदन कर रहा हूं उपाध्यक्ष महोदय, अगर मैंने कोई असंसदीय भााा का प्रयोग किया है, मेरे भााण में से उसे निकाल दीजिए।â€¦ (व्यवधान) क्यों नहीं है? तो फिर इतना मान लीजिए कि आपने जो शोर-गुल मचाया, वह बेकार था।â€¦ (व्यवधान)

श्री लाल कृण आडवाणी : मान्यवर उपाध्यक्ष महोदय, मैं सदन की भावना का आदर करता हूं। मुझे नहीं लगता कि जब पोटो के पक्ष में और पोटो के विपक्ष में सब तर्क दे दिये गये हैं, मुझे कुछ और जोड़ने की जरूरत है।

एक ही तथ्यों के बारे में मुझसे जो जानकारी मांगी गई, कुछ लोगों ने कहा कि पोटो के अधीन इन पिछले पांच महीनों में कितने लोग गिरफ्तार हुए हैं, तो मुझे जो अभी तक जानकारी मिली है, उसके अनुसार दिल्ली में पोटो के अधीन चार केसेज में 18 लोग गिरफ्तार हुए हैं। एक केस संसद पर हमले का है, जिसमें पोटो के अधीन चार लोग गिरफ्तार हुए हैं। दूसरा केस है जिसमें 4.28 किलोग्राम्स आर.डी.एक्स. बरामद हुआ था, 35 लाख रुपये कैश हवाला के प्राप्त हुए थे और कई और एक्सप्लोसिव मैटीरियल प्राप्त हुए थे। उसमें छः लोग गिरफ्तार हुए थे। तीसरा केस में दिल्ली में छः लोग, पांच पाकिस्तानी और एक बंगलादेशी गिरफ्तार हुए, इसमें उनसे आर्म्स और एम्युनीशन उनसे रिकवर हुए। ये छः के छः, जो कोलकता में हमला हुआ था, उनसे सम्बन्धित हैं। चौथे केस में यहां पर पीपुल्स लिब्रेशन आर्मी ऑफ मणिपुर के दो लोग गिरफ्तार हुए। दिल्ली में ये चार केसेज हैं, जिनमें कुल मिलाकर 18 लोग गिरफ्तार हुए हैं।

जम्मू-कश्मीर में जरूर 91 लोग पोटो के अधीन गिरफ्तार हुए हैं। उनमें से कितने विदेशी हैं, कितने भारत के हैं, इसका इस समय मेरे पास विवेचन नहीं हैं। महाराट्र में एक केस में पोटो का प्रयोग हुआ है, जिसके बारे में भी अभी बाद में जानकारी मिली कि आज कोर्ट में वहां की महाराट्र की सरकार ने उस पोटो के केस को विथड्रा किया है।

मैं समझता हूं कि इसके आगे इस संयुक्त सत्र की संयुक्त बैठक का जो प्रमुख उद्देश्य है कि जब दो सदनों के बीच में मतभेद हो तो उस मतभेद के निवारण के लिए संयुक्त अधिवेशन बुलाया जाये और उसमें मतदान करके निर्णय किया जाये कि क्या बात स्वीकार्य है। मैं संसद् से अनुरोध करूंगा कि आप इस कार्य को करें। जिन लोगों ने बहस में भाग लिया, उन सब का मैं आभार प्रकट करता हूं, उन सब को धन्यवाद देता हूं।

MR. DEPUTY-SPEAKER: The question is:

> "That the Bill to make provisions for the prevention of, and for dealing with, terrorist activities and for matters connected therewith, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

SHRI BASU DEB ACHARIA : Mr. Deputy-Speaker, Sir, we want division.

MR. DEPUTY-SPEAKER: All right. Let the Lobbies be cleared −

There will be division by distribution of 'Aye' and 'No' slips in accordance with Rule 367AA of the Rules of Procedure and Conduct of Business in Lok Sabha. The Secretary-General may now announce the procedure with regard to division by distribution of slips.

SECRETARY-GENERAL: Kind attention of hon. Members is invited to the procedure regarding voting by distribution of 'Aye' and 'No' slips. A single slip will be given to each hon. Member at the time of division. The slip on which matter is printed in green ink is meant for recording of vote for 'Ayes' and that printed in red ink for recording of vote for 'Noes'.

Hon. Members are requested to write legibly the following details on the slip at the time of recording votes: (i) Name; (ii) Division Number (this will be the same as the Division Number allotted to the Member in the Lok Sabha or Rajya Sabha); and (iii) House to which he belongs.

MR. DEPUTY-SPEAKER: There are three slips: 'green' for 'Aye'; 'red' for 'No'; and 'golden' for 'Abstention' .

MR. DEPUTY-SPEAKER: Now, the Lobbies have been cleared.

The question is:

> "That the Bill to make provisions for the prevention of, and for dealing with, terrorist activities and for matters connected therewith, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

The Lok Sabha divided:

20.40 hrs. AYES

A.Narendra, Shri

Abdullah, Shri Omar

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Agarwal, Shri Lakkhiram

Agarwal, Shri Ramdas

Agarwalla, Shri Parmeshwar Kumar

Agniraj, Shri S.

Ahluwalia, Shri S.S.

Ananth Kumar, Shri

Angle,Shri Ramakant

Apte, Shri B.P.

Argal,Shri Ashok

Arya, Dr.(Shrimati) Anita

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

Bachani Lekhraj, Shri

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Bainda, Shri Ramchander

Bais, Shri Ramesh

Baitha, Shri Mahendra

Bakht, Shri Sikander

Banerjee,Shrimati Jayashree

Bangaru Laxman, Shri

Barwala,Shri Surendra Singh

Behera, Shri Padmanava

Bhagat, Prof. Dukha

Bhargava, Shri Girdhari Lal

Bishnoi, Shri Jaswant Singh

Bora, Shri Indramoni

Brahmanaiah, Shri A.

C. Suguna Kumari,Dr. (Shrimati)

Chakravarty, Shrimati Bijoya

Chandel, Shri Suresh

Chandran, Shri S.S.

Chaturvedi, Shri T.N.

Chaubey, Shri Lal Muni

Chaudhary, Shri Haribhai

Chaudhary, Shri Ram Tahal

Chaudhri, Shri Manibhai Ramjibhai

Chauhan, Shri Nandkumar Singh

Chauhan, Shri Shriram

Chautala, Shri Ajay Singh

Chikhalia, Shrimati Bhavnaben Devrajbhai

Chinnasamy, Shri M.

Choudhary, Shri Nikhil Kumar

Choudhry,Shri Padam Sen

Chouhan, Shri Nihal Chand

Chouhan, Shri Shivraj Singh

D'Souza, Dr.(Shrimati) Beatrix

Daggubati, Shri Ramanaidu

Dahal, Shri Bhim

Dalit Ezhilmalai, Shri

Dattatreya, Shri Bandaru

Dave, Shri Anantray Devshanker

Delkar, Shri Mohan S.

Deo, Shri Bikram Keshari

Deshmukh, Shri Nana (Nominated)

Devi, Shrimati Kailasho

Dhikale, Shri Uttamrao

Dhinakaran, Shri T.T.V.

Dhindsa, Shri Sukh Dev Singh

Dhyani, Shri Manohar Kant

Diler, Shri Kishan Lal

Diwathe, Shri Namdeo Harbaji

Durai, Shri M.

Elangovan, Shri P.D.

Fernandes, Shri George

Gadde, Shri Ram Mohan

Gadhavi, Shri P.S.

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Maneka

Gangwar, Shri Santosh Kumar

Gautam, Shri Sangh Priya

Gautam, Shrimati Sheela

Gavit, Shri Ramdas Rupala

Gawali, Kumari Bhavana Pundlikrao

Geete, Shri Anant Gangaram

Gehlot, Shri Thawar Chand

Giluwa, Shri Laxman

Goel, Shri Vijay

Gohain, Shri Rajen

Goyal, Shri Vedprakash P.

Gudhe, Shri Anant

Gupta, Prof.Chaman Lal

Gyamtso, Shri Palden Tsering

Haque, Mohammad Anwarul

Hussain, Chowdhary Talib

Hussain, Shri Syed Shahnawaz

Indira, Shrimati S.G.

Indora, Dr. Sushil Kumar

Jadhav, Shri Suresh Ramrao

Jag Mohan, Shri

Jagannath, Dr. Manda

Jagathrakshakan, Dr. S.

Jai Prakash, Shri

Jain, Shri Pusp

Jaiswal, Dr. M.P.

Jaiswal, Shri Shankar Prasad

Jaitley, Shri Arun

Jatiya, Dr.Satyanarayan

Javiya, Shri G.J.

Jayaseelan, Dr.A.D.K.

Jethmalani, Shri Ram

Jha, Shri Raghunath

Jigajinagi, Shri Ramesh C.

Joshi, Dr. Murli Manohar

Joshi, Shri Kailash

Joshi, Shri Manohar

Judev, Shri Dilip Singh

Kadar, Shri M.A.

Kaliappan, Shri K.K.

Kamaraj, Shri R.

Kamble, Shri Shivaji Vithalrao

Kannappan, Shri M.

Kanungo, Shri Trilochan

Kashyap, Shri Bali Ram

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai

Katiyar, Shri Vinay

Kaur, Shrimati Gurcharan

Kaushal, Shri Raghuvir Singh

Kaushal, Shri Swaraj

Khaire, Shri Chandrakant

Khan, Shri Hassan

Khandelwal, Shri Vijay Kumar

Khanduri, Maj.Gen.(Retd.) B.C.

Khanna, Shri Vinod

Khunte, Shri P.R.

Khurana, Shri Madan Lal

Kovind, Shri Ram Nath

Kriplani, Shri Shrichand

Krishnamraju, Shri

Krishnamurthy, Shri K. Balarama

Krishnamurthy, Shri K.E.

Krishnan, Dr. C.

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri Arun

Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Lakshmi Prasad, Dr. Y.

Libra, Shri Sukhdev Singh

M.Master Mathan, Shri

Mahajan, Shri Pramod

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Maitreyan, Dr. V.

Majhi, Shri Parsuram

Malaisamy, Dr. K.

Malhotra, Dr. Vijay Kumar

Mallik, Shri Jagannath

Mallikarjunappa, Shri G.

Malyala, Shri Rajaiah

Man Singh, Rao

Mandal, Shri Brahma Nand

Mandlik, Shri Sadashivrao Dadoba

Mane, Shri Shivaji

Mane, Shrimati Nivedita

Mangeshkar, Ms. Lata

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Maran, Shri Murasoli

Meena, Shrimati Jas Kaur

Meghwal, Shri Kailash

Mehta, Shri Lalitbhai

Mehta, Shrimati Jayawanti

Mishra, Shri Dina Nath

Mishra, Shri Kalraj

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mohale, Shri Punnu Lal

Mohite, Shri Subodh

Mohol, Shri Ashok N.

Mookherjee, Shri Satya Brat

Moorthy, Shri A.K.

Mullana, Shri Faqir Chand

Munda, Shri Kariya

Muni Lall, Shri

Murmu, Shri Salkhan

Murthi, Shri, M.V.V.S.

Murthy, Shri M. Rajasekara

Murugesan, Shri S.

Nagmani, Shri

Nahata, Shrimati Jayaprada

Naidu, Shri M. Venkaiah

Naik, Shri Ali Mohd.

Naik, Shri Ram

Naik, Shri Shripad Yasso

Nandy, Shri Pritish

Narayanan, Shri P.G.

Narendra Mohan, Shri

Nayak, Shri Ananta

Niraikulathan, Shri S.

Nirupam, Shri Sanjay

Nishad,Capt.Jai Narain Prasad

Nitish Kumar, Shri

Oram, Shri Jual

Padmanabham, Shri Mudragada

Palanimanickam, Shri S.S.

Panda, Shri B. J.

Pandey, Shri Ravindra Kumar

Pandeya, Dr. Laxminarayan

Pandian, Shri P.H.

Panja, Shri Ajit Kumar

Paranjpe, Shri Prakash

Parmar, Shri Kripal

Parste, Shri Dalpat Singh

Parthasarathi, Shri B.K.

Passi, Shri Raj Narain

Paswan, Dr. Sanjay

Paswan, Shri Ram Vilas

Paswan, Shri Ramchandra

Paswan, Shri Sukdeo

Patasani, Dr.Prasanna Kumar

Patel, Dr. A. K.

Patel, Dr. Ashok

Patel, Shri Chandresh

Patel, Shri Deepak

Patel, Shri Mansinh

Patel, Shri Mukesh R.

Patel, Shri Praful

Patel, Shri Prahlad Singh

Pathak, Shri Harin

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Annasaheb M.K.

Patil, Shri Balasaheb Vikhe

Patil, Shri Danve Raosaheb

Patil, Shri Jaysingrao Gaikwad

Patil, Shri Laxmanrao

Patil, Shri Shriniwas

Patnaik, Shrimati Kumudini

Patwa, Shri Sundar Lal

Pawaiya, Shri Jaibhan Singh

Pawar, Shri Sharad

Ponnuswamy, Shri E.

Potai, Shri Sohan

Prabhu, Shri Suresh

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Pradhan, Shri Satish

Prasad, Shri Ravi Shankar

Prasad, Shri V.Sreenivasa

Punj, Shri Balbir K.

Radhakrishnan, Shri C.P.

Radhakrishnan, Shri Pon

Rai, Shri Lajpat

Rai, Shri Nawal Kishore

Raja, Shri A.

Rajagopal, Shri O.

Raje, Shrimati Vasundhara

Rajkumar, Dr. Alladi P.

Ram, Shri Braj Mohan

Ramachandraiah, Shri C.

Ramachandran, Shri Gingee N.

Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Raman, Dr.

Ramaswamy, Shri Cho S.

Ramshakal, Shri

Rana, Shri Kashiram

Rana, Shri Raju

Rao, Dr. D. Venkateshwar

Rao, Dr. D.V.G.Shankar

Rao, Shri Ch.Vidyasagar

Rao, Shri Ganta Sreenivasa

Rao, Shri K. Kalavenkata

Rao, Shri K. Rama Mohana

Rao, Shri S.B.P.B.K. Satyanarayana

Rao, Shri Y.V.

Rao, Shri Yadlapati Venkat

Rashid, Mirza Abdul

Rathwa, Shri Ramsinh

Ravi, Shri Sheesh Ram Singh

Rawale, Shri Mohan

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Ray, Shri Bishnu Pada

Reddy, Dr. C. Narayana

Reddy, Shri A.P.Jithender

Reddy, Shri B.V.N.

Reddy, Shri Chada Suresh

Reddy, Shri G. Ganga

Reddy, Shri Gutha Sukender

Reddy, Shri N.R.K.

Reddy, Shri P. Prabhakar

Reddy, Shri Solipeta Ramachandra

Renu Kumari, Shrimati

Rudy, Shri Rajiv Pratap

Rumandla Ramachandraiah, Shri

Sahu, Shri Anadi

Sahu, Shri Tarachand

Sai, Shri Vishnudeo

Saifullah, Shri K.M.

Samal, Shri Man Mohan

Samantray, Shri Prabhat

Sanghani, Shri Dileep

Sangma, Shri Purno A.

Sangwan, Shri Kishan Singh

Sankaralingam, Prof. M.

Sankeshwar, Shri Vijay

Sarath Kumar, Shri R.

Saroja, Dr. V.

Sathi, Shri Harpal Singh

Selvaganpathi, Shri T.M.

Sethi, Shri Arjun

Shah, Shri Manabendra

Shaheen, Shri Abdul Rashid

Shandil, Col.(Retd.)Dr. Dhani Ram

Shanmugam, Shri N.T.

Shanta Kumar, Shri

Sharda, Shrimati Savita

Shariq, Shri Sharief-Ud-Din

Sharma, Dr. Mahesh Chandra

Sharma, Shri Anil

Shashi Kumar, Shri

Shirodkar, Shri Adhik

Shourie, Shri Arun

Shukla, Shri Rajeev

Shyam Lal, Shri

Sikdar, Shri Tapan

Singh Deo, Shrimati Sangeeta Kumari

Singh """"Lalan"""", Shri Rajiv Ranjan

Singh """"Surya"""", Shri Rajnath

Singh, Capt. (Retd.) Inder

Singh, Ch.Tejveer

Singh, Dr. Ram Lakhan

Singh, Shri Ajit

Singh, Shri Bahadur

Singh, Shri Birabhadra

Singh, Shri Brij Bhushan Sharan

Singh, Shri Chandra Pratap

Singh, Shri Chandra Vijay

Singh, Shri Chhattrapal

Singh, Shri Devi Prasad

Singh, Shri Digvijay

Singh, Shri Jaswant

Singh, Shri Maheshwar

Singh, Shri Prabhunath

Singh, Shri Radha Mohan

Singh, Shri Ramanand

Singh, Shri Ramjivan

Singh, Shri Rampal

Singhal, Shri B.P.

Singhvi, Dr. L.M.

Sinha, Shri Manoj

Sinha, Shri Yashwant

Sirigireddy, Shri Rama Muni Reddy

Siva, Shri P. N.

Sivasubramanian, Shri S.

Solanki, Shri Bhupendrasinh

Solanki, Shri Gopalsinh G.

Somaiya, Shri Kirit

Soundararajan, Shri P.

Sreenivasan, Shri C.

Srikantappa, Shri D.C.

Srinivasulu, Shri Kalava

Subbian, Shri Ka. Ra.

Sukhbir Singh, Shri

Swain, Shri Kharabela

Swami, Shri Chinmayanand

Swami, Shri I.D.

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Thirunavukkarasar, Shri Su

Thirunavukkarasu, Shri C.P.

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Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Tripathi, Shri Prakash Mani

Tripathy, Shri Braja Kishore

Tur, Shri Tarlochan Singh

Uma Bharati, Kumari

Vahadane, Shri Suryabhan Patil

Vaiko, Shri

Vajpayee, Shri Atal Bihari

Vanga Geetha, Shrimati

Varma, Prof. R. B. S.

Varma, Sh. Ratilal Kalidas

Vasava, Shri Mansukhbhai D.

Veerappa, Shri Ramchandra

Venkataswamy, Dr. N.

Venkateshwarlu, Shri B.

Venkateswarlu, Prof. Ummareddy

Venugopal, Dr. S.

Venugopal, Shri D.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Vikram

Vetriselvan, Shri V.

Vijaya Kumari, Shrimati D.M.

Vijayan, Shri A.K.S.

Virendra Kumar, Shri

Virumbi, Shri S. Viduthalai

Vukkala, Dr. Rajeswaramma

Wanaga, Shri Chintaman

Yadav, Dr.(Shrimati) Sudha

Yadav, Dr.Jaswant Singh

Yadav, Shri Bhal Chandra

Yadav, Shri D.P.

Yadav, Shri Devendra Prasad

Yadav, Shri Dinesh Chandra

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Jagdambi Prasad

Yadav, Shri Ramakant

Yadav, Shri Sharad

Yerrannaidu, Shri K.

Zawma, Shri Vanlal

NOES

Abdullakutty, Shri A.P.

Acharia, Shri Basu Deb

Ahamed, Shri E.

Ajaya Kumar, Shri S.

Akhilesh Das, Dr.

Alphonse, Shri S. Peter

Alva, Shrimati Margaret

Ambedkar, Shri PrakashYashwant

Amir Alam, Shri

Anand, Shri R. K.

Anil Kumar, Shri

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Basavaraj, Shri G.S.

Basu, Shri Anil

Basu, Shri Nilotpal

Bauri, Shrimati Sandhya

Baxla, Shri Joachim

Begum Noor Bano

Bhadana, Shri Avtar Singh

Bhagora, Shri Tarachand

Bhandary, Prof. Ram Deo

Bhardwaj, Shri Hansraj

Bhatt, Shri Brahmakumar

Bhattacharjee, Shri Karnendu

Bhattacharya, Shri Manoj

Bhaura, Shri Bhan Singh

Bhendia, Shri Jhumuk Lal

Bhuria, Shri Kantilal

Bind, Shri Ram Rati

Birla, Shri Krishna Kumar

Biswas, Shri Debabrata

Bommai, Shri S. R.

Borgohain, Shri Drupad

Botcha, Shri Satyanarayana

Bundela, Shri Sujan Singh

Chakraborty, Shri Ajoy

Chakraborty, Shri Swadesh

Chandra Shekhar, Shri

Chandresh Kumari, Shrimati

Chatterjee, Shri Somnath

Chaturvedi, Shri Satyavrat

Chaudhary, Shri Ram Raghunath

Chauhan, Shri Dara Singh

Chavan, Shri S.B.

Chennithala, Shri Ramesh

Chitharanjan, Shri J.

Choudhary, Col.(Retd.) Sona Ram

Choudhary, Shrimati Reena

Choudhury, Shri A.B.A. Ghani Khan

Chowdhary, Shri Adhir

Chowdhary, Shrimati Santosh

Chowdhury, Shri Bikash

Chowdhury, Shrimati Renuka

Darda, Shri Vijay J.

Das, Dr. M.N.

Das, Shri Khagan

Das, Shri Nepal Chandra

Dasari, Shri N.R.

Dasgupta, Dr. Biplab

Dasmunsi, Shri Priya Ranjan

Deepak Kumar, Shri

Dev, Shri Sontosh Mohan

Deve Gowda, Shri H.D.

Dome, Dr. Ram Chandra

Dubey, Shrimati Saroj

Dudi, Shri Rameshwar

Dullo, Shri Shamsher Singh

Eden, Shri George

Faguni Ram, Dr.

Faleiro, Shri Eduardo

Farook, Shri M.O.H.

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Gamang, Shrimati Hema

Gamlin, Shri Jarbom

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Gavai, Shri R. S.

Gavit, Shri Manikrao Hodlya

Gaya Singh, Shri

George, Shri K. Francis

Ghatowar, Shri Paban Singh

Gnanadesikan, Shri B.S.

Goenka, Shri R. P.

Gogoi, Shri Dip

Gowda, Shri G.Putta Swamy

Gowda, Shri H.K. Javare

Gupta, Shri Banarsi Das

Gupta, Shri Prem Chand

Hamid, Shri Abdul

Hasan, Shri Munavvar

Hassan, Shri Moinul

Heptulla, Dr. (Shrimati) Najma

Hiphei, Shri

Ibrahim, Shri C.M.

Jaffer Sharief, Shri C.K.

Jaiswal, Shri Jawahar Lal

Jaiswal, Shri Shriprakash

Jalappa, Shri R.L.

Jamir, Shri C. Apok

Jos, Shri A.C.

Kalmadi, Shri Suresh

Kamal Nath, Shri

Karan Singh, Dr.

Karunakaran, Shri K.

Kaur, Shrimati Preneet

Kaushik, Shri Rama Shanker

Keswani, Shri Suresh A.

Khan(Durru), Shri Aimaduddin Ahmed

Khan, Shri Abul Hasnat

Khan, Shri K.M.

Khan, Shri K. Rahman

Khan, Shri Sunil

Khuntia, Shri Ramachandra

Kidwai, Dr. A.R.

Kondaiah, Shri K.C.

Krishnadas, Shri N.N.

Kurup, Shri Suresh

Lachhman Singh, Shri

Lahiri, Shri Samik

Lakshmisagar, Prof. A.

Lama, Shri Dawa

Lepcha, Shri S.P.

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharaj, Dr. Swami Sakshi Ji

Mahato, Shri Bir Singh

Maheshwari, Shri P.K.

Maheshwari, Shrimati Sarla

Makwana, Shri Savshibhai

Mandal, Shri Sanat Kumar

Manhar, Shri Bhagatram

Manmohan Singh, Dr.

Mann, Shri Simranjit Singh

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Panda, Shri Prabodh

Pandey, Shrimati Chandra Kala

Parmar, Shri Raju

Patel, Shri Ahmed

Patel, Shri Atmaram Bhai

Patel, Shri Dahyabhai Vallabhbhai

Patel, Shri Dharm Raj Singh

Patel, Shri Dinsha

Patel, Shri Tarachand Shivaji

Patil, Shri Amarsinh Vasantrao

Patil, Shri Bhaskarrao

Patil, Shri Prakash V.

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Pillai, Shri S. Ramachandran

Pilot, Smt. Rama

Poulose, Shri C.O.

Pramanik, Prof. R.R.

Premachandran, Shri N. K.

Premajam, Prof. A.K.

Puglia, Shri Naresh

Qureshi, Shri Abdul Gaiyur

Radhakrishnan, Shri Varkala

Raghavan, Shri V.V.

Rai, Shrimati Kum Kum

Raikar, Shrimati Bimba

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajukhedi, Shri Gajendra Singh

Ramoowalia, Shri Balwant Singh

Ramulu, Shri H.G.

Rao, Dr. Dasari Narayana

Rashtrapal, Shri Pravin

Rau, Shrimati Prabha

Rawat, Shri Ramsagar

Ray, Prof. (Shrimati) Bharati

Rebello, Miss Mabel

Rebia, Shri Nabam

Reddy, Shri N. Janardhana

Reddy, Shri S. Jaipal

Reddy, Shri Y.S. Vivekananda

Riyan, Shri Baju Ban

Rizvi, Dr. Akhtar Hasan

Rizwan Zahir, Shri

Rongpi, Dr. Jayant

Roy Chowdhury, Shri Shankar

Roy Pradhan, Shri Amar

Roy, Shri Abani

Roy, Shri Jibon

Roy, Shri Subodh

Saiduzzama, Shri

Samadani, Shri M.P.Abdussamad

Sanadi, Prof. I.G.

Sangtam, Shri K.A.

Sar, Shri Nikhilananda

Saradgi, Shri Iqbal Ahmed

Sarma, Shrimati Basanti

Saroj, Shri Tufani

Saroj, Shrimati Sushila

Scindia, Shri Jyotiraditya M.

Sen, Shrimati Minati

Sengupta, Shri Bratin

Seth, Shri Lakshman

Sethi, Shri Ananta

Shahabuddin, Mohd.

Shakya, Shri Raghuraj Singh

Sharma, Capt. Satish

Shervani, Shri Saleem I.

Shinde, Shri Sushil Kumar

Shukla, Shri Shyamacharan

Sibal, Shri Kapil

Singh Deo, Shri K.P.

Singh, Dr. Raghuvansh Prasad

Singh, Kunwar Akhilesh

Singh, Kunwar Sarv Raj

Singh, Sardar Buta

Singh, Shri Amar

Singh, Shri Arjun

Singh, Shri Balbir

Singh, Shri C.N.

Singh, Shri Chandra Bhushan

Singh, Shri Charanjit

Singh, Shri Khel Sai

Singh, Shri Lakshman

Singh, Shri Rajo

Singh, Shri Ram Prasad

Singh, Shri Surendra Kumar

Singh, Shri Th. Chaoba

Singh, Shri Tilakdhari Prasad

Singh, Shri W. Angou

Singh, Shrimati Kanti

Singh, Shrimati Rajkumari Ratna

Singh, Shrimati Shyama

Sivakumar, Shri V.S.

Soni, Shrimati Ambika

Sorake, Shri Vinay Kumar

Subba, Shri M.K.

Sudarsana Natchiappan, Shri E.M.

Sudheeran, Shri V.M.

Suman, Shri Ramji Lal

Suresh, Shri Kodikunnil

Tiwari, Shri Sunder Lal

Tohra, Sardar Gurcharan Singh

Topdar, Shri Tarit Baran

Topno, Miss Frida

Vaghela, Shri Shankersinh

Verma, Shri Beni Prasad

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vijaya Raghavan, Shri A.

Vyas, Dr. Girija

Wangcha, Shri Rajkumar

Yadav """"Ravi"""", Dr. Ramendra Kumar

Yadav, Chaudhary Harmohan Singh

Yadav, Prof. Ram Gopal

Yadav, Shri Akhilesh

Yadav, Shri Balram Singh

Yadav, Shri Devendra Singh

Yadav, Shri Mulayam Singh

Yadav, Shri Vijay Singh

Zahedi, Shri Mahboob

Zahidi, Shri Khan Ghufran

MR. DEPUTY-SPEAKER: Subject to correction*, the result of the Division is:

Ayes: 425

Noes: 296

The motion was adopted.

MR. DEPUTY-SPEAKER: Let the doors for Lobbies be opened.

SHRI SOMNATH CHATTERJEE : Sir, as a protest, we are walking out.

20.56 hrs

(At this stage, Shri Somnath Chatterjee and some other hon. Members left the House.)

MR. DEPUTY-SPEAKER: Now, we shall take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 64 stand part of the Bill."

The motion was adopted.

Clauses 2 to 64 were added to the Bill.

The Schedule was added to the Bill.

21.00 hrs.

Clause 1, the Enacting Formula and theLong Title were added to the Bill.

**After scrutiny of slips, final result comes as follows :*

Ayes : 425

Noes: 294

Abst : Nil

MR. DEPUTY-SPEAKER: The Minister may nowmove that the Bill be passed.

श्री लाल कृण आडवाणी : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूं:-

"कि यह विधेयक पारित किया जाए।"

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY-SPEAKER: The Bill is passed.

Hon. Members, before we bring this Joint Sitting of the Houses to a close, I express my gratitude to all the Members for their participation, cooperation and upholding the best traditions of democratic process. I also take this opportunity to extend my thanks to the Secretary-General, Lok Sabha, Officers and Staff of Lok Sabha Secretariat and other agencies who have put in great efforts to make this historic sitting a success.

The Joint Sitting of the Houses of Parliament is now concluded.

21.02 hrs

The Joint Sitting of the Houses of Parliament then concluded.

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